

CA4 ON HBL A08
B91

MUNICIPAL DOCUMENT

BY-LAWS OF THE CITY
OF HAMILTON

03-234 - 03-299

CA4 ON HBL
A08
B91

Authority:

Item 9 Hearings Sub-Committee
Report: 03-027 (PD03179)
CM: September 10, 2003

Bill No. 234

The City of Hamilton

BY-LAW NO. 03 -234

To Adopt:

Official Plan Amendment No. 189 to the former City of Hamilton Official Plan;

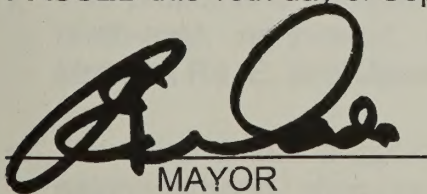
Respecting:

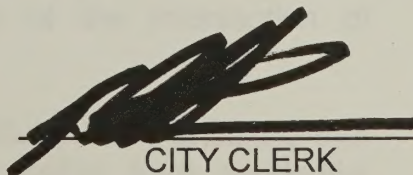
902 Mohawk Road East

The Council of the City of Hamilton enacts as follows:

1. Amendment No. 189 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 10th day of September, 2003


MAYOR


CITY CLERK

Amendment No. 189

to the

Official Plan for the former City of Hamilton

The following text, together with Schedule "A" – Land Use Concept and Schedule "B" – Special Policy Areas, attached hereto, constitutes Official Plan Amendment No. 189.

Purpose:

The purpose of this Amendment is to redesignate the subject lands from "Residential" to "Commercial" to permit a drugstore that functions as a neighbourhood shopping centre, and to identify the lands as a special policy area to ensure that restaurants not be permitted on the site.

Location:

The lands affected by this Amendment are located at 902 Mohawk Road East at the south-east corner of Upper Ottawa Street in the Lisgar Neighbourhood.

Basis:

The basis for permitting the proposed designation change is as follows:

- The site is well suited for commercial development given its location at the corner of two arterial roadways.
- The proposal is compatible with existing commercial development on the north-east, north-west, and south-east corners of the intersection of Mohawk Rd. E. and Upper Ottawa Street.
- The amendment supports the policies of the Official Plan, ensuring that neighbourhood shopping opportunities are accessible from residential areas.

Page 1

Introduction

1.1

1.1.1 The first part of the document

The first part of the document is a general introduction to the subject matter. It discusses the importance of the topic and the scope of the study.

1.2

The second part of the document is a detailed description of the methodology used in the study. It includes information about the data sources, the sample size, and the statistical methods employed.

1.3

The third part of the document is a discussion of the results of the study. It compares the findings with previous research and discusses the implications of the results.

1.4

The fourth part of the document is a conclusion and a summary of the main findings.

The fifth part of the document is a list of references and a bibliography.

The sixth part of the document is an appendix containing additional data and information.

The seventh part of the document is a glossary of terms and a list of abbreviations.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan is hereby revised by redesignating the subject lands from "Residential" to "Commercial" as shown on the attached Schedule "A" of this Amendment.
- 2) Schedule "B" – Special Policy Areas – be revised by adding the subject lands as Special Policy Area 89, as shown on the attached Schedule "B" of this Amendment; and,
- 3) The following new policy be added to Subsection A.2.9.3 – Other Policy Areas as policy A.2.9.3.84:

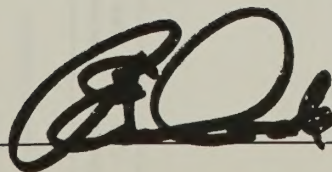
"Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands known municipally as 902 Mohawk Road East, shown on Schedule "B" as SPECIAL POLICY AREA 89, restaurant uses shall not be permitted."

Implementation:

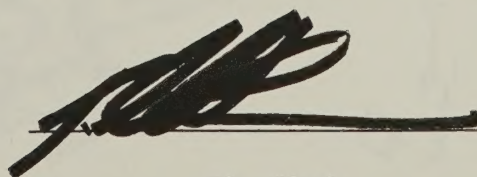
A Zoning By-Law amendment and site plan will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 03-234, passed on the 10th day of September, 2003.

The City of Hamilton



Mayor



City Clerk

1. The Commission has received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a Bill to amend the law relating to the control of the export of goods.

2. The Commission has also received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a Bill to amend the law relating to the control of the export of goods.

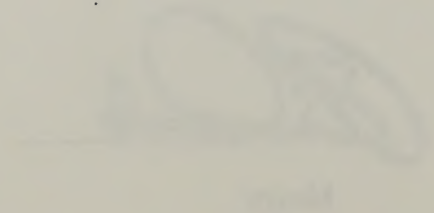
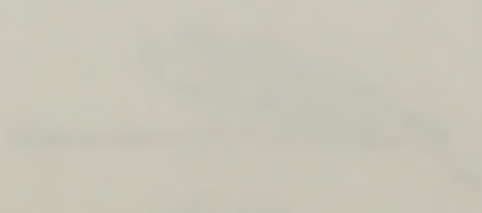
3. The Commission has also received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a Bill to amend the law relating to the control of the export of goods.

4. The Commission has also received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a Bill to amend the law relating to the control of the export of goods.

A copy of the Bill is being sent to the Commission for its comments.

The Commission has also received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a Bill to amend the law relating to the control of the export of goods.

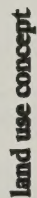
Yours faithfully,



Schedule A Amendment No. 189 to the Official Plan for the former City of Hamilton	Legend	Date: July 27, 2003	Revised By: C. N.	Redesignate from Residential to Commercial	Reference File No. OPA 189(H)
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Redesignate from Residential to Commercial

Reference File No.
OPA 189(H)



	residential
	commercial
	highway
	open space
	open water
	major historical
	utilities
	center policy zone
	school policy area
	watershed basin
	other future

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senen ungeraden
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★ **A-2115** Non-administrative the bagging with respect to the area designated "Special Shipping and Bagging Area".

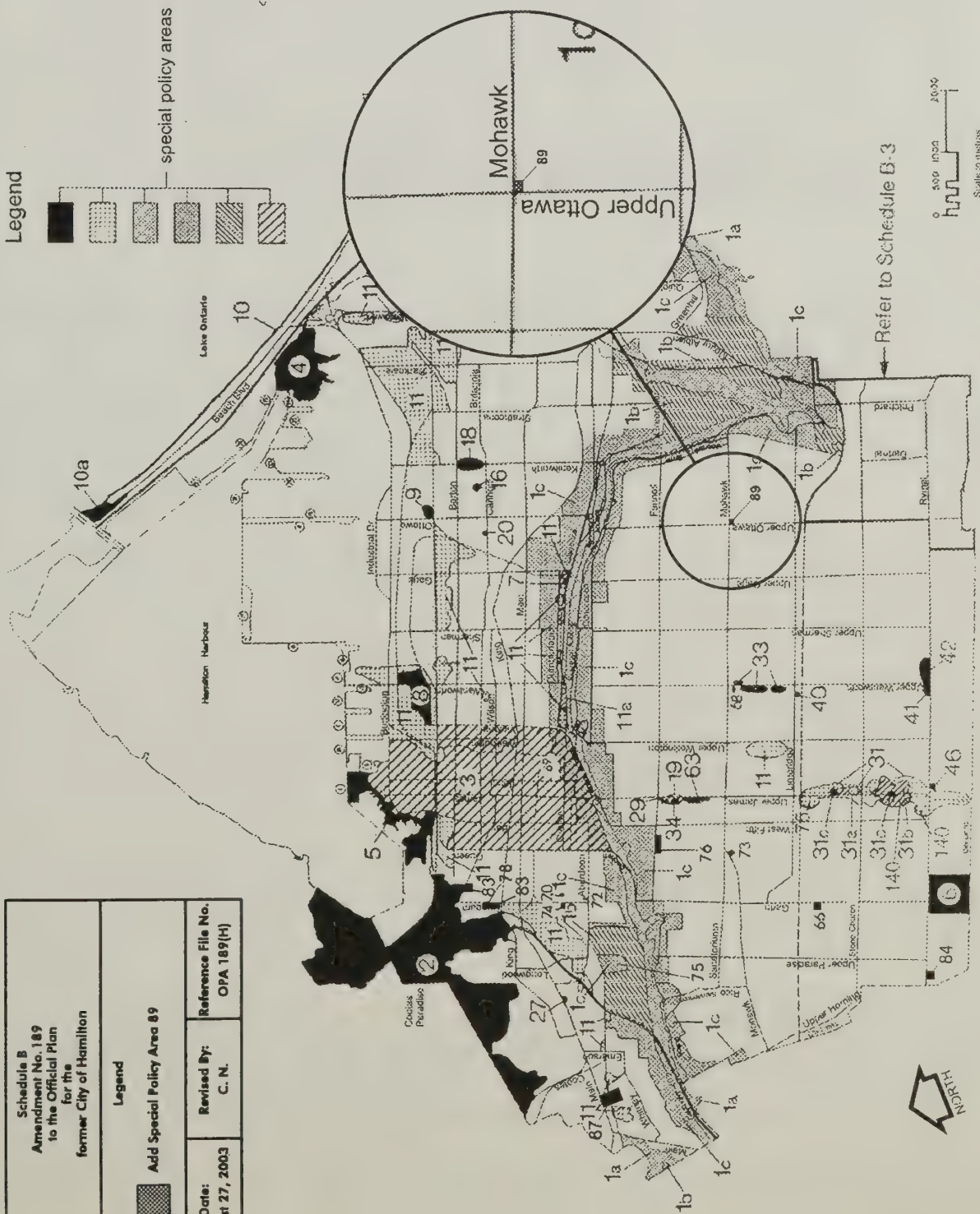
ii. upon a agreement between the City of Hamilton and the Hamilton Harbour Commission that Special Shipping and Navigation Vessels have ceased then the designator, on her/his Open Source if no agreement is reached this paragraph does not affect the right of the

schedule A
to the official plan
for
the City of Hamilton

2000



Schedule B Amendment No. 189 to the Official Plan for the former City of Hamilton		
Legend		
 Add Special Policy Area 89		
Date: August 27, 2003	Revised By: C. N.	Reference File No. OPA 189(H)



AREA	REFER TO POLICY	AREA	REFER TO POLICY
1(a)	A 2.9.1	56	A 2.9.3.1
1(b)	A 2.9.1	57	A 2.9.3.2
1(c)	A 2.9.1	58	A 2.9.3.3
2	A 2.9.2	59	A 2.9.3.4
3	A 2.9.3	60	A 2.9.3.5
4	A 2.9.3.1	61	A 2.9.3.6
5	A 2.9.3.2	62	A 2.9.3.7
6	A 2.9.3.3	63	A 2.9.3.8
7	A 2.9.3.4	64	A 2.9.3.9
8	A 2.9.3.5	65	A 2.9.3.10
9	A 2.9.3.6	66	A 2.9.3.11
10	A 2.9.3.7	67	A 2.9.3.12
11	A 2.9.3.8	68	A 2.9.3.13
12	A 2.9.3.9	69	A 2.9.3.14
13	A 2.9.3.10	70	A 2.9.3.15
14	A 2.9.3.11	71	A 2.9.3.16
15	A 2.9.3.12	72	A 2.9.3.17
16	A 2.9.3.13	73	A 2.9.3.18
17	A 2.9.3.14	74	A 2.9.3.19
18	A 2.9.3.15	75	A 2.9.3.20
19	A 2.9.3.16	76	A 2.9.3.21
20	A 2.9.3.17	77	A 2.9.3.22
21	A 2.9.3.18	78	A 2.9.3.23
22	A 2.9.3.19	79	A 2.9.3.24
23	A 2.9.3.20	80	A 2.9.3.25
24	A 2.9.3.21	81	A 2.9.3.26
25	A 2.9.3.22	82	A 2.9.3.27
26	A 2.9.3.23	83	A 2.9.3.28
27	A 2.9.3.24	84	A 2.9.3.29
28	A 2.9.3.25	85	A 2.9.3.30
29	A 2.9.3.26	86	A 2.9.3.31
30	A 2.9.3.27	87	A 2.9.3.32
31	A 2.9.3.28	88	A 2.9.3.33
32	A 2.9.3.29	89	A 2.9.3.34
33	A 2.9.3.30	90	A 2.9.3.35
34	A 2.9.3.31	91	A 2.9.3.36
35	A 2.9.3.32	92	A 2.9.3.37
36	A 2.9.3.33	93	A 2.9.3.38
37	A 2.9.3.34	94	A 2.9.3.39
38	A 2.9.3.35	95	A 2.9.3.40
39	A 2.9.3.36	96	A 2.9.3.41
40	A 2.9.3.37	97	A 2.9.3.42
41	A 2.9.3.38	98	A 2.9.3.43
42	A 2.9.3.39	99	A 2.9.3.44
43	A 2.9.3.40	100	A 2.9.3.45
44	A 2.9.3.41		
45	A 2.9.3.42		
46	A 2.9.3.43		
47	A 2.9.3.44		
48	A 2.9.3.45		
49	A 2.9.3.46		
50	A 2.9.3.47		
51	A 2.9.3.48		
52	A 2.9.3.49		
53	A 2.9.3.50		
54	A 2.9.3.51		
55	A 2.9.3.52		

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

schedule B
to the official plan
for
the City of Hamilton
October 2002

CAH ON HBL
A08

Authority: Item 9 Hearings Sub-Committee
Report 03-027 (PD03179)
CM: September 10, 2003

B91

Bill No. 235

CITY OF HAMILTON

BY-LAW NO. 03-235

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 902 Mohawk Road East**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report 03- of the Hearing Sub Committee at its meeting held on the 6th day of August, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 189 proposed by the Corporation of the City of Hamilton as By-law No. 234, but not yet approved in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. E-59 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District;

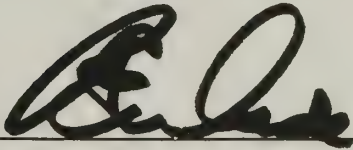
the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

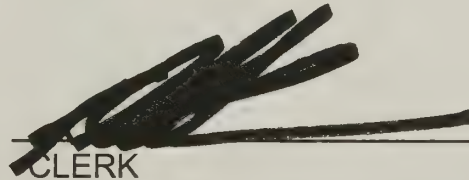
- (a) That Section 13D (1) (B) (iv) and 13D (1) (B) (iva) of Zoning By-law No. 6593 shall not apply;
 - (b) That notwithstanding Section 13D (5) of Zoning By-law No. 6593, a maximum lot area of 5,650m² and a maximum lot depth of 74m shall be permitted;
 - (c) That notwithstanding Section 13D (7) (i), Section 18A (11) and Section 18A (12) of Zoning By-law No. 6593, a planting strip of 1.5m shall not be required adjacent to a public walkway;
 - (d) That notwithstanding Section 18A (12) (c) of Zoning By-law No. 6593, a visual barrier shall not be required adjacent to a public walkway;
 - (e) That notwithstanding Section 13D (3) of Zoning By-law No. 6593, a building height of a maximum of 9.3m shall be permitted;
 - (f) That notwithstanding Section 13D (B) (xvii) of Zoning By-law No. 6593, a maximum total sign area of 120m² for the Mohawk Road East elevation and a maximum total sign area of 85m² for the Upper Ottawa Street elevation shall be permitted;
 - (g) That notwithstanding Section 13D (B) (xvii) of Zoning By-law No. 6593, a maximum of two (2) roof signs shall be permitted and the roof signs shall be a maximum of 2.74m above the top of the first storey;
 - (h) That notwithstanding Section 13D (B) (xvii) of Zoning By-law No. 6593, a maximum of two (2) wall signs on the front façade of the building (Mohawk Road East) shall be permitted; and,

- (i) That notwithstanding Section 18A (26) of Zoning By-law No. 6593, the access driveway off Mohawk Road East to a commercial use, may be located 0.0m from a common boundary with a residential district.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 2.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1487.
5. Sheet No. E-59 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1487.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

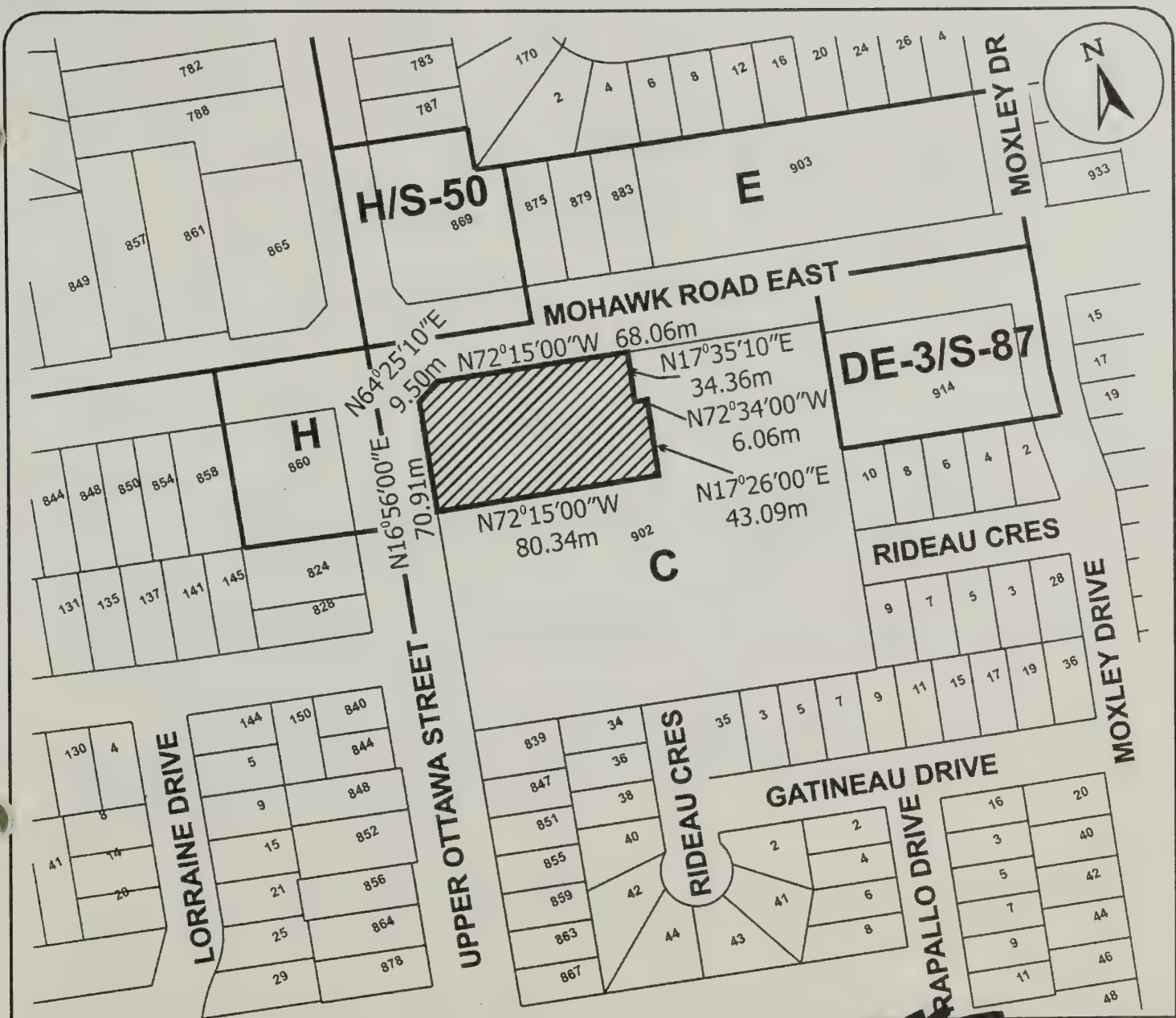
PASSED and ENACTED this 10th day of September, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03 - 235

Passed the 10th day of September, 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-235
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend



Subject Property

902 Mohawk Road East

Change in zoning from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighborhood Shopping Area) District, Modified, and Official Plan Amendment from "Residential" to "Commercial"

North 	Scale NOT TO SCALE	Reference File No. ZAC-03-43
	Date August 20, 2003	Drawn By NM

CAH ON
HBL
A08
B91

Authority: Item 3, Hearings Sub-Committee
Report 03-027 (PD03176)
CM: August 13, 2003

Bill No. 236

CITY OF HAMILTON

BY-LAW NO. 03-236

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended
Respecting City owned Lands Legally Described as
Part of Lot 49, Concession 2 and Part 1 Plan 62R-16348**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "B", Map 1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby amended;
 - (a) by changing from Public Open Space "O2" Zone to Site-Specific Residential "R4-500" Zone.

The extent and boundaries of which more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.

2. Section 33: Exceptions of Zoning By-law 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

R4-500 That the Residential "R4" Zone, regulations as contained in Section 12.2 of Zoning By-law No. 87-57 (Ancaster), applicable to the subject lands be amended to the extent of the following special requirements:

Regulations

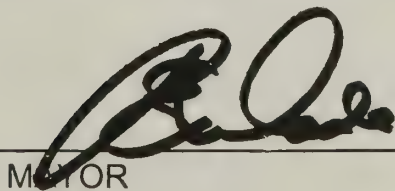
Notwithstanding Subsection 12.2 (a, e and g):

- | | |
|----------------------|-------------------|
| 1. Minimum lot area | 380 square meters |
| 2. Minimum side yard | 1.5 metres |
| 3. Maximum height | 6.5 metres |

All other regulations of the Residential "R4" Zone shall continue to apply.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 10th day of September, 2003 .



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03—236

Passed the 10th day of September, 2003

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 03-236
 to Amend By-Law No. 87-57



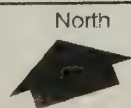
Hamilton

Planning and Development Department

Legend



Lands to be rezoned from Public
 Open Space "O2" Zone to
 Residential "R4-500" Zone



North

Scale
 NOT TO SCALE

Date
 June 16, 2003

Reference File No.
 C1-03-C

Drawn By
 MC

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A08

B91

Authority: Item 2, Committee of the Whole
Report 03-024 (PW03121)
CM: September 10, 2003

Bill No. 237

**CITY OF HAMILTON
BY-LAW NO. 03-237
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

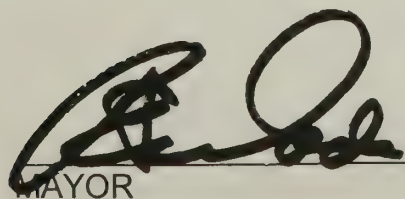
AND WHEREAS it is necessary to amend By-law No. 01-215;

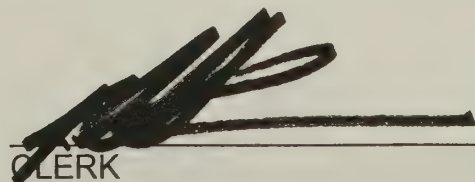
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Keefer Court Westbound Kenora Avenue"
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 10th day of September, 2003


MAYOR


CLERK

CAH ON HBL
A08

Authority: Item 3, Committee of the Whole
Report 03-024 (PW03123)
CM: September 10, 2003

Bill No. 238

**CITY OF HAMILTON
BY-LAW NO. 03-238
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

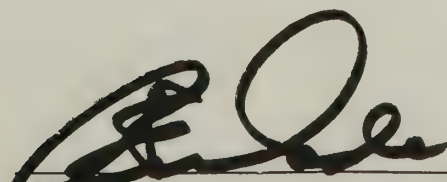
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof the following item, namely:

"Roelfson Drive	Westbound	Moorland Crescent"
-----------------	-----------	--------------------
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAY ON HBL
A08

Authority: Item 5, Committee of the Whole
Report 03-024 (PW03118)
CM: September 10, 2003

Bill No. 239

**THE CITY OF HAMILTON
BY-LAW NO. 03-239
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 45 ON PLAN 62M-815
INTO CHIANTI DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Chianti Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

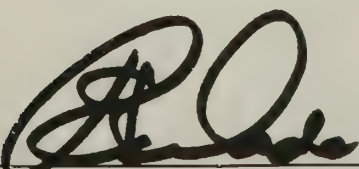
1. That the following land is hereby established and laid out as a public highway to form part of Chianti Drive.

Block 45 on Plan 62M-815.

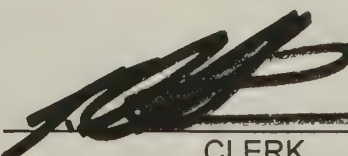
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAH ON HBL
A08

B91

Authority: Item 5, Committee of the Whole
Report 03-024 (PW03118)
CM: September 10, 2003

Bill No. 240

**THE CITY OF HAMILTON
BY-LAW NO. 03-240
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 42 ON PLAN 62M-860
INTO MARION STREET**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Marion Street within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

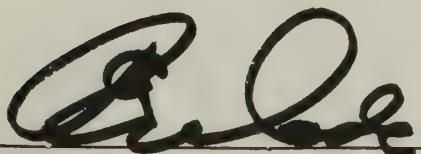
1. That the following land is hereby established and laid out as a public highway to form part of Marion Street.

Block 42 on Plan 62M-860.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND ENACTED this 10th day of September, 2003


MAYOR


CLERK

CAH ON HBL
A08

B91

Authority: Item 5, Committee of the Whole
Report 03-024 (PW03118)
CM: September 10, 2003

Bill No. 241

**THE CITY OF HAMILTON
BY-LAW NO. 03-241
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 20, 21, 22 AND 23 ON PLAN 62R-16462
INTO OLYMPIC DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Olympic Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Olympic Drive.

Part of Lots 19 and 20, Concession 1, in the Geographic Township of West Flamborough, now in the City of Hamilton. Designated as Parts 20, 21, 22 and 23 on Plan 62R-16462.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND PASSED this 10th day of September, 2003


MAYOR


CLERK

CAH ON HBL
A08

B91

Authority: Item 5, Committee of the Whole
Report 03-024 (PW03118)
CM: September 10, 2003

Bill No. 242

**THE CITY OF HAMILTON
BY-LAW NO. 03-242
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 7 ON PLAN 62M-930
INTO CHESLEY STREET**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Chesley Street within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

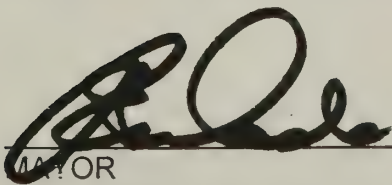
1. That the following land is hereby established and laid out as a public highway to form part of Chesley Street.

Block 7 on Plan 62M-930.

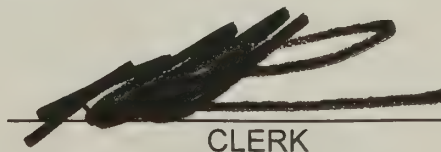
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAH ON HBL
AD8

B91

Authority: Item 5, Committee of the Whole
Report 03-024 (PW03118)
CM: September 10, 2003

Bill No. 243

**THE CITY OF HAMILTON
BY-LAW NO. 03-243
TO INCORPORATE CITY LAND
DESIGNATED AS PART 3 ON PLAN 62R-16522
INTO FANNING STREET**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Fanning Street within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

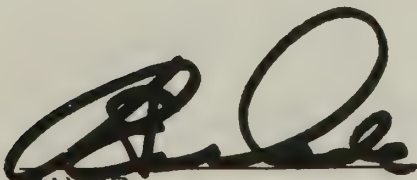
1. That the following land is hereby established and laid out as a public highway to form part of Fanning Street.

Part of Lot 93, Block 'F', on Registered Plan 253. Designated as Part 3 and Plan 62R-16522.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND ENACTED this 10th day of September, 2003


MAYOR


CLERK

Bill No. 244

**THE CITY OF HAMILTON
BY-LAW NO. 03-244
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-16533
INTO CROMPTON WAY**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Crompton Way within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

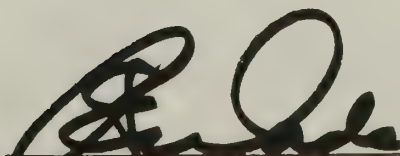
1. That the following land is hereby established and laid out as a public highway to form part of Crompton Way.

Part of Lot 222 on Registered Plan 1294. Designated as Parts 1 and 2 on Plan 62R-16533.

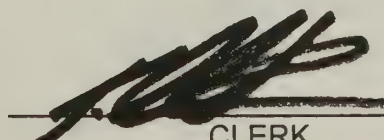
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED AND ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAYLON HBL
A08

B91

Authority: Item 6, Committee of the Whole
Report 03-024 (PW03120)
CM: September 10, 2003

Bill No. 245

**CITY OF HAMILTON
BY-LAW NO. 03-245
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

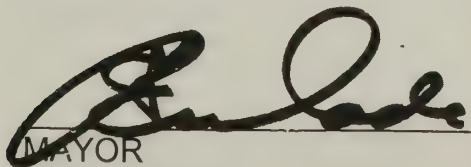
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 12 (No U-Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof the following item, namely:

"Stone Church Rd. W.	Southbound to Northbound	Harrogate Dr.	Anytime"
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2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003


MAYOR


CLERK

C44 ON HBL
A08

B91

Authority:

Item 3, Hearings Sub-Committee
Report: 03-025 (PD03170)
CM: July 9, 2003

Bill No. 246

CITY OF HAMILTON

BY-LAW NO. 03-246

To Adopt:

Official Plan Amendment No. 101 to the former City of Stoney Creek Official Plan;

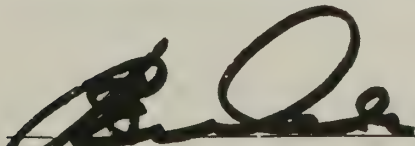
Respecting:

984 Highway No. 8

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 101 to the former City of Stoney Creek Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 10th day of September, 2003


MAYOR
CLERK

Amendment No. 101

to the

Official Plan of the Former City of Stoney Creek

The following text together with Schedule "A", General Land Use Plan, attached hereto, constitutes Official Plan Amendment No. 101.

Purpose:

The purpose of the Amendment is to establish a site-specific policy to recognize an existing private school within the Agricultural designation and Escarpment Protection Area.

Location:

The land affected by this Amendment is known municipally as 984 Highway No. 8, located on the south side of Highway No. 8 with an area of 0.28 hectares (0.71 acres).

Basis:

The intent of the Amendment is to establish a site-specific policy for the subject land to permit a private educational facility in an existing dwelling. The basis for permitting the proposal is as follows:

- The proposed use conforms to the Niagara Escarpment Plan. Niagara Escarpment Plan Amendment No. 137, approved by the Minister of Natural Resources on July 14, 2003, permits the private educational facility.
- The existing use is compatible with the character of existing development in the area;
- The use will not have a detrimental effect upon the visually and environmental significant features of the Escarpment.

Actual Changes:

1. Schedule "A", General Land Use Plan, of the former City of Stoney Creek Official Plan be amended by adding the subject land as OPA 101, as shown on the attached Schedule A of this Amendment.

2. Section A.9 be amended by adding Subsection A.9.2.14 as follows:

"A.9.2.14 Notwithstanding policies A.9.1.2, A.9.2.1 and A.9.2.2 of the Agricultural designation, and policy B.7.2.3, of the Niagara Escarpment Plan policies of this Plan, on the lands known municipally as 984 Highway No. 8, a privately operated educational facility shall also be a permitted use within the existing building."

Implementation:

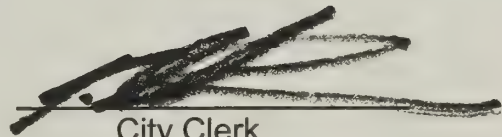
A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule 1 to By-law No.03-246 passed on the 10th day of September, 2003.



Mayor

The City of Hamilton



City Clerk

Schedule A
Amendment No. 101
to the Official Plan
for the
former City of Stoney Creek

Legend

Lands subject to Policy A.9.2.14

1:1
3/2003
Revised By:
M. Sergi
Reference File No.
OPA 101(15)

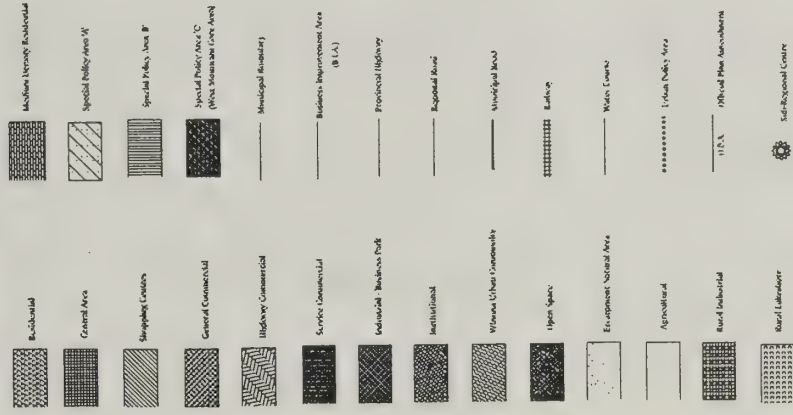
LAKE

ONTARIO

CITY OF STONEY CREEK OFFICIAL PLAN Schedule "A" General Land Use Plan

Legend

Land Use Designations



CITY OF STONEY CREEK
PLANNING DEPARTMENT

January 2003

Authority: Item 3, Hearings Sub-Committee
Report 03-025 (PD03170)
CM: July 9, 2003

Bill No. 247

CITY OF HAMILTON

BY-LAW NO. 03-247

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 984 Highway No. 8

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsection 5.4.7 of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 8 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Rural Residential "RR" Zone to the Rural Residential "RR-20" Zone, the lands comprised of 984 Highway No. 8, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 5.4.7, "Special Exemptions" of Section 5.4, Rural Residential "RR" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "RR-20", as follows:

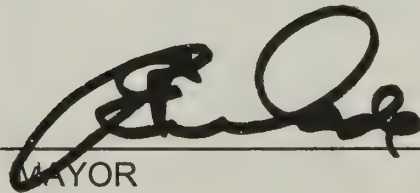
"RR-20 984 Highway No. 8, Schedule "A", Map No. 8

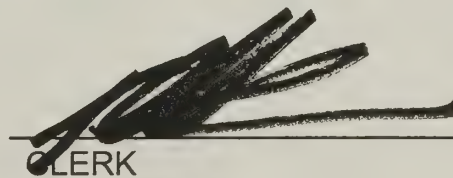
In addition to the uses permitted in Section 5.4.2 of the Rural Residential "RR" Zone, those lands zoned "RR-20" by this By-law may also be used for a commercial school, specifically, the training of students in the field of audio technology (music recording).

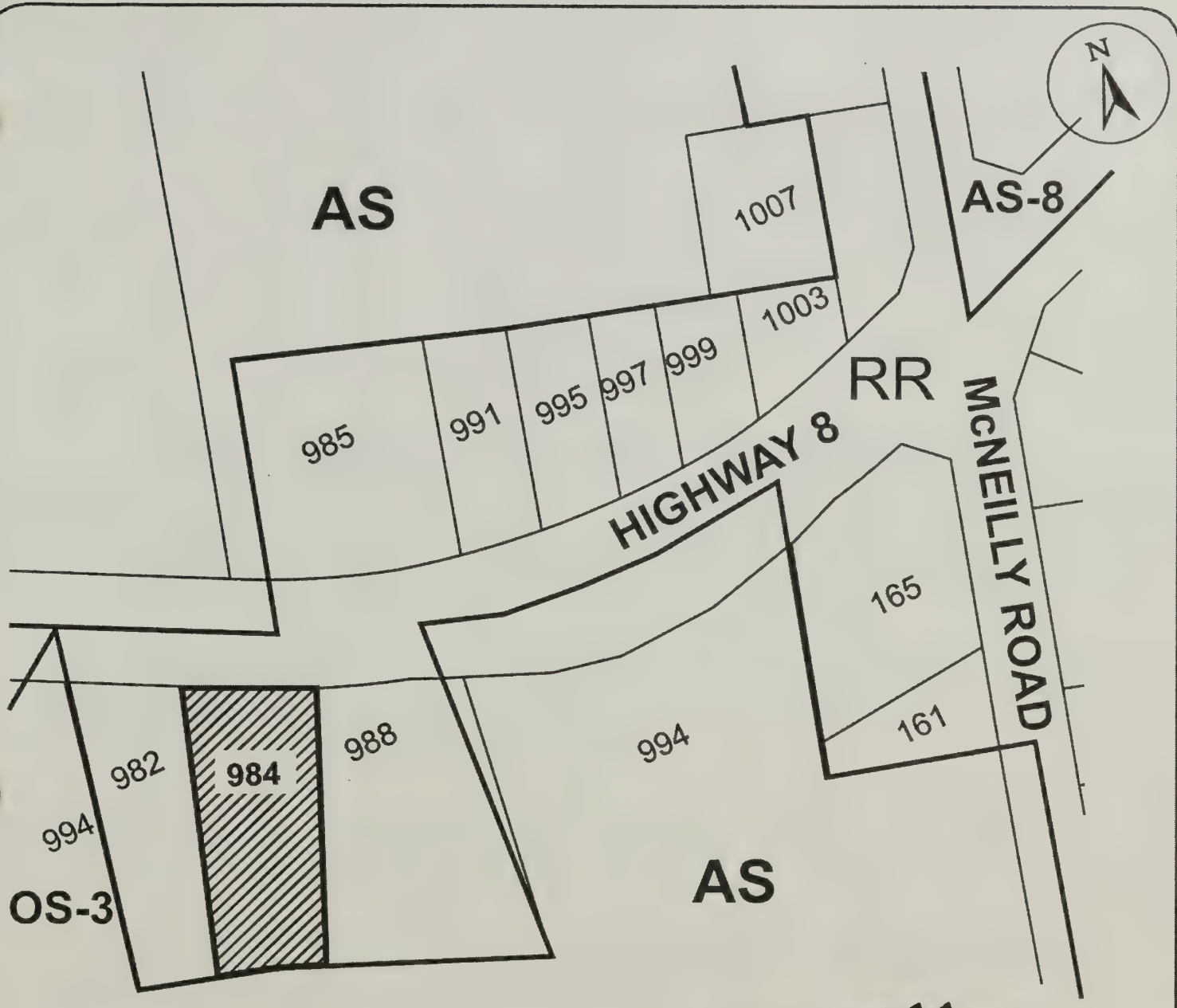
Notwithstanding the provision of paragraph (i) of Section 5.4.3 of the Rural Residential "RR" Zone, on those lands zoned "RR-20" by this By-law, a minimum of seven (7) parking spaces is required for the commercial school and two (2) parking spaces may be located in the required front yard."

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 10th day of September, 2003.


MAYOR


CLERK



This is Schedule "A" to By-Law No. 03— 247

Passed the10th..... day of ..September.....,2003

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 03-247
 to Amend By-Law No. 3692-92

Legend



Lands to be rezoned
 from the Rural Residential
 "RR" Zone to the Rural
 Residential "RR-20" Zone

North

Scale
 NOT TO SCALE

Reference File No.
 Z40-03-27

CANON HBL
H08

B91

Authority: Item 7, Committee of the Whole
Report 03-024 (PD03214)
CM: September 10, 2003

Bill No. 248

CITY OF HAMILTON

BY-LAW NO. 03-248

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting Lands Located at 75 Oak Avenue (West Flamborough)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

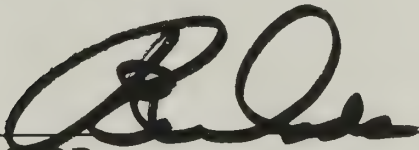
AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

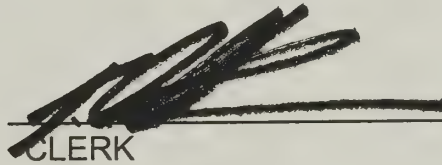
1. Schedule "A-38" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Settlement Residential Holding "R2-24 (H)" Zone to Settlement Residential "R2-24" Zone by removing the suffix "H" for those lands located at 75 Oak Avenue (formerly the Township of West Flamborough) more particularly shown on Schedule "A" which forms part of this By-law.
2. All other regulations of Section 7 – Settlement Residential "R2-24" Zone, as amended and the General Provisions of Zoning By-law 90-145-Z (Flamborough) shall continue to apply.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

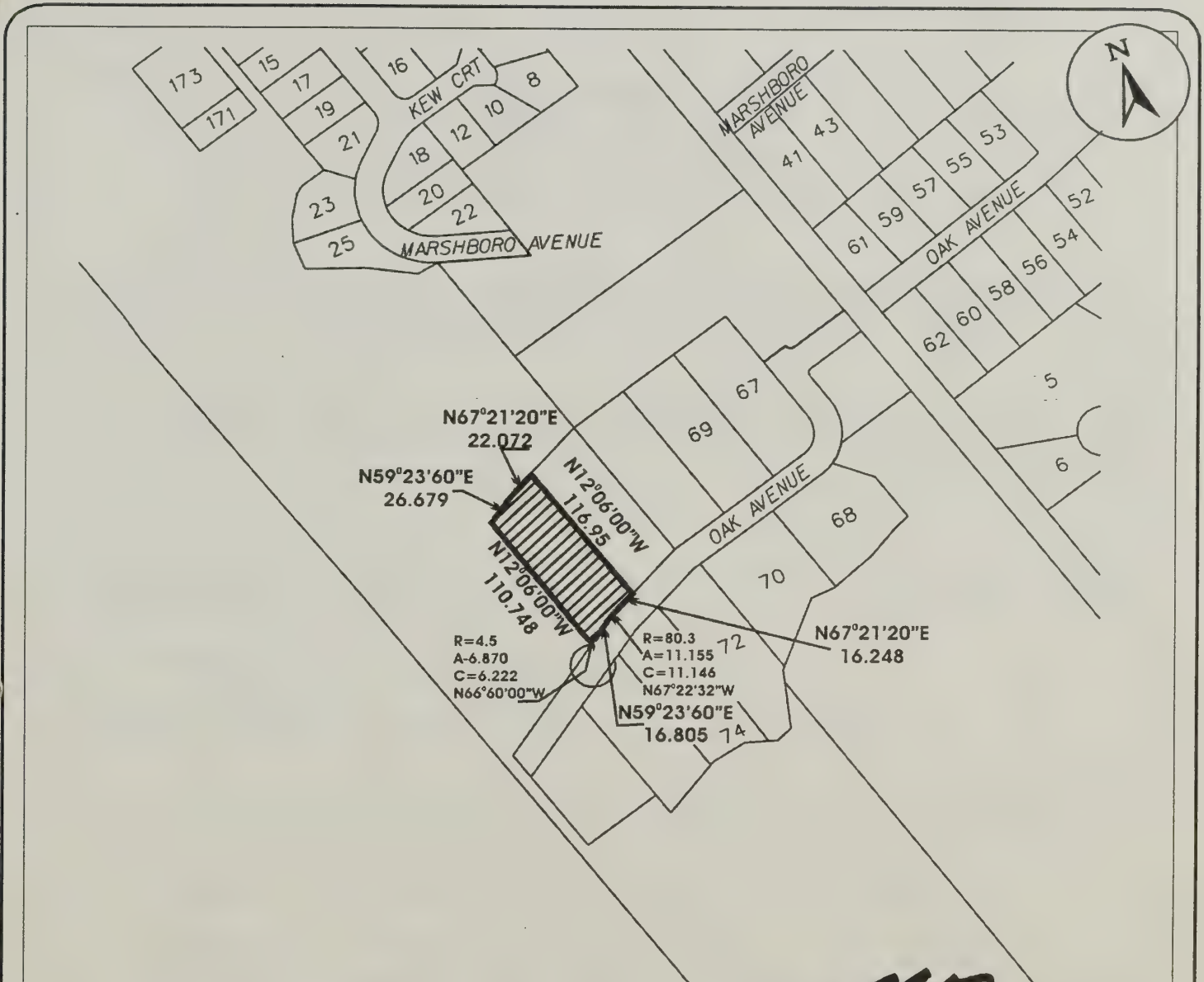
PASSED and ENACTED this 10th day of September, 2003 .



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03—248

Passed the 10th day of September, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-248
to Amend By-Law No. 90-145-Z

Legend



Subject Property

To Remove the Holding "H" Symbol from
Settlement Residential "R2-24(H)" Zone
to Settlement Residential "R2-24" Zone

CA4 ON HBL
A08

B91

Authority: Item 56, Committee of the Whole
Report 03-021
CM: August 13, 2002

Bill No. 249

**CITY OF HAMILTON
BY-LAW NO. 03- 249
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

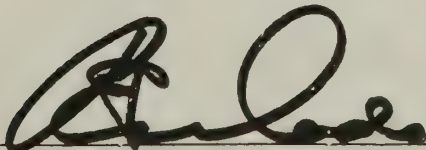
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Delaware	Eastbound and Westbound	Gladstone
Delaware	Eastbound and Westbound	Holton"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003


MAYOR


CLERK

CA4 ON HBL
A08

Authority: Item 16, Committee of the Whole
Report 03-022
CM: August 13, 2003

Bill No. 250

**CITY OF HAMILTON
BY-LAW NO. 03- 250
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

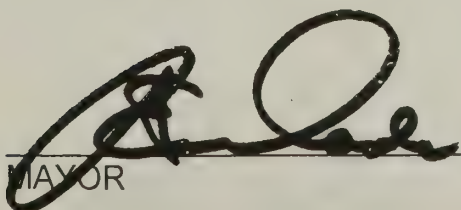
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Kensington Northbound and Southbound Maple"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAN ON HBL
A08

Authority: Item 39, Committee of the Whole
Report 03-021 (PW03100)
CM: August 13, 2003

Bill No. 251

**CITY OF HAMILTON
BY-LAW NO. 03- 251
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

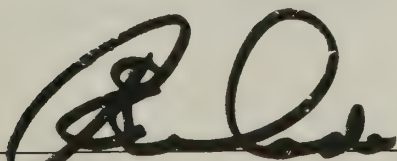
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

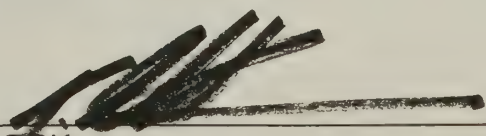
"Leslie	Eastbound and Westbound	Upper Paradise
Upper Paradise	Northbound and Southbound	Leslie"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAH ON HBL
A08

B91

Authority: CM: August 13, 2003

Bill No. 252

**CITY OF HAMILTON
BY-LAW NO. 03-252
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

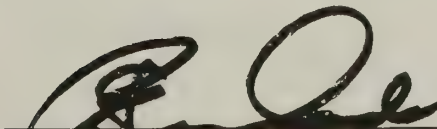
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Templemead Northbound and Southbound Mount Pleasant"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003



MAYOR



CLERK

CAH ON HBL
A08

391

Authority: Item 18, Committee of the Whole
Report 03-013 (FCS03081)
CM: May 14, 2003

Bill No. 253

City of Hamilton

BY-LAW NO. 03-253

**Being a By-law to Adopt Names to Further Describe Wards
in the City of Hamilton**

WHEREAS Ontario Regulation 448/00 under the City of Hamilton Act, 1999, S.O. 1999, c. 14, Sch. C., established wards for the City of Hamilton which were described only by numbers; and

WHEREAS the Council of the City of Hamilton is desirous of establishing ward names to further describe each of the City's 15 wards; and

WHEREAS City Council in adopting Item No. 18 of Committee of the Whole Report 03-013 has authorized the preparation of a By-law to adopt ward names; and

WHEREAS the authority to adopt ward names is consistent with and incidental to the power of a municipality to divide or redivide the municipality into wards or to dissolve existing wards pursuant to section 222(1) of the Municipal Act, 2001, S.O. 2001, c. 25;

NOW THEREFORE, the Council of the City of Hamilton hereby enacts as follows:

1. That the ward names set forth in the right-hand column below be adopted to further describe the wards described by number in the left-hand column below:

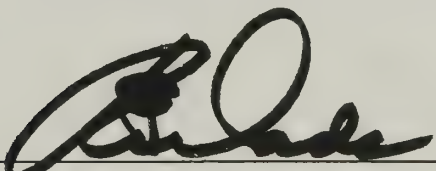
Ward Number

Ward Name

1	Ward 1 - Chedoke - Cootes
2	Ward 2 - Downtown
3	Ward 3 - Hamilton Centre
4	Ward 4 - East Hamilton
5	Ward 5 - Redhill

6	Ward 6 - East Mountain
7	Ward 7 - Central Mountain
8	Ward 8 - West Mountain
9	Ward 9 - Heritage Stoney Creek
10	Ward 10 -Stoney Creek
11	Ward 11 -Glanbrook, Stoney Creek, Winona
12	Ancaster
13	Community of Dundas
14	Wentworth
15	Flamborough

PASSED AND ENACTED THIS 10th DAY OF SEPTEMBER, 2003.



Mayor

City Clerk

CA4 ON HBL

A08

Authority: Item 14, Committee of the Whole
Report 01-003.(FCS01007)
CM: September 10, 2003

Bill No. 254

CITY OF HAMILTON

BY-LAW NO. 03-254

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"West 35th West Leslie to Bendamere 1 hr 8 am – 4 pm Mon - Fri"

2. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"West 35th East Bendamere to Leslie 9 am – 5 pm
Mon – Fri"

West 35th Both Bendamere to south end 9 am – 5 pm
Mon - Fri"

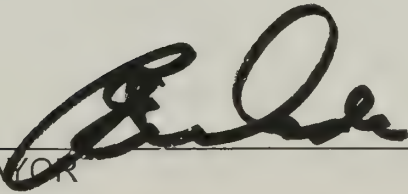
and by adding to Section "E" thereof the following item, namely:

"West 35th Both Leslie to south end

9:00 a.m. to 5:00 p.m."
Monday to Friday

3. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 10th day of September, 2003.



MAYOR

CITY CLERK

CANON HBL
A08
B91

Authority: COW Item 14 of Report 03-011
and COW Item 17 of Report 03-024
Report (FCS03049 and FCS03049a)
CM: April 23, 2003 and September 10, 2003

Bill No. 255

CITY OF HAMILTON

By-law No: 03-255

**Being a By-law to provide for advance voting and reduced voting hours
at retirement homes and institutions for the 2003 Municipal Election**

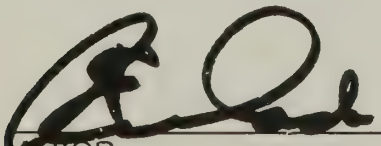
WHEREAS Section 43 (1) of the *Municipal Elections Act, 1996, as amended*, provides that a municipal council shall pass a by-law establishing one or more dates for an advance vote and the hours during which voting places shall be open on that date or dates;

AND WHEREAS Section 46(3) the *Municipal Elections Act, 1996, as amended*, provides that a municipal council may pass a by-law with respect to reduced voting hours in voting places in retirement homes or those institutions defined in Section 45 (7) of the said Act, where voting is only for the use of the residents;

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

1. That advance voting be held for the 2003 Municipal Election, on the dates and during the hours at those locations shown on Schedule "A" attached hereto and forming part of this by-law.
2. That special advance voting be held for the 2003 Municipal Election on Wednesday, October 29, 2003 at the locations and during the hours shown on Schedule "B" attached hereto and forming part of this by-law.
3. That institutional voting be held for the 2003 Municipal Election on Monday, November 10, 2003 at the locations and during the reduced voting hours shown on Schedule "C" attached hereto and forming part of the by-law.
4. This By-law comes into force on the date of its enactment.

ENACTED and PASSED this 10th day of September, 2003.


MAYOR


CITY CLERK

Schedule "A" to By-law 03-255 to provide advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election

Advance Voting – Tuesday, October 21, 2003

Ward	Location	Address	Hours of Voting
1	Dalewood Recreation Centre	1150 Main Street West	10:00 a.m. to 7:00 p.m.
2	Hamilton City Hall	71 Main Street West	10:00 a.m. to 7:00 p.m.
3	Norman "Pinky" Lewis Recreation Centre	192 Wentworth Street North	10:00 a.m. to 7:00 p.m.
4	Parkdale Arena	1770 Main Street East	10:00 a.m. to 7:00 p.m.
5	Sir Wilfred Laurier Recreation Centre	60 Albright Road	10:00 a.m. to 7:00 p.m.
6	Huntington Park Recreation Centre	87 Brentwood Drive	10:00 a.m. to 7:00 p.m.
7	Sackville Hill Seniors Recreation Centre	780 Upper Wentworth Street	10:00 a.m. to 7:00 p.m.
8	Westmount Recreation Centre	39 Montcalm Drive	10:00 a.m. to 7:00 p.m.
9	Valley Park Community Centre	970 Paramount Drive	10:00 a.m. to 7:00 p.m.
10	St. Francis Xavier Parish Hall	304 Highway 8	10:00 a.m. to 7:00 p.m.
11	Glanbrook Municipal Administration Offices	4280 Binbrook Road	10:00 a.m. to 7:00 p.m.
12	Ancaster Rotary Centre	385 Jerseyville Road East	10:00 a.m. to 7:00 p.m.
13	Dundas Lions Memorial Community Centre	10 Market Street South	10:00 a.m. to 7:00 p.m.
14	Lynden Troy United Church	3989 Governor's Road	10:00 a.m. to 7:00 p.m.
15	Royal Canadian Legion	79 Hamilton Street North	10:00 a.m. to 7:00 p.m.

Advance Voting – Saturday, October 25, 2003

1	Dalewood Recreation Centre	1150 Main Street West	10:00 a.m. to 5:00 p.m.
2	Hamilton City Hall	71 Main Street West	10:00 a.m. to 5:00 p.m.
3	Norman "Pinky" Lewis Recreation Centre	192 Wentworth Street North	10:00 a.m. to 5:00 p.m.
4	Parkdale Arena	1770 Main Street East	10:00 a.m. to 5:00 p.m.
5	Sir Wilfred Laurier Recreation Centre	60 Albright Road	10:00 a.m. to 5:00 p.m.
6	Huntington Park Recreation Centre	87 Brentwood Drive	10:00 a.m. to 5:00 p.m.
7	Sackville Hill Seniors Recreation Centre	780 Upper Wentworth Street	10:00 a.m. to 5:00 p.m.
8	Westmount Recreation Centre	39 Montcalm Drive	10:00 a.m. to 5:00 p.m.
9	Valley Park Community Centre	970 Paramount Drive	10:00 a.m. to 5:00 p.m.
10	St. Francis Xavier Parish Hall	304 Highway 8	10:00 a.m. to 5:00 p.m.
11	Glanbrook Municipal Administration Offices	4280 Binbrook Road	10:00 a.m. to 5:00 p.m.
12	Ancaster Rotary Centre	385 Jerseyville Road East	10:00 a.m. to 5:00 p.m.
13	Dundas Lions Memorial Community Centre	10 Market Street South	10:00 a.m. to 5:00 p.m.
14	Farm and Home Building Rockton Fairgrounds	812 Old Highway 8	10:00 a.m. to 5:00 p.m.
15	Royal Canadian Legion	79 Hamilton Street North	10:00 a.m. to 5:00 p.m.

**Advance Voting – Saturday, November 1, 2003**

1	Dalewood Recreation Centre	1150 Main Street West	10:00 a.m. to 5:00 p.m.
2	Hamilton City Hall	71 Main Street West	10:00 a.m. to 5:00 p.m.
3	Norman "Pinky" Lewis Recreation Centre	192 Wentworth Street North	10:00 a.m. to 5:00 p.m.
4	Parkdale Arena	1770 Main Street East	10:00 a.m. to 5:00 p.m.
5	Sir Wilfred Laurier Recreation Centre	60 Albright Road	10:00 a.m. to 5:00 p.m.
6	Huntington Park Recreation Centre	87 Brentwood Drive	10:00 a.m. to 5:00 p.m.
7	Sackville Hill Seniors Recreation Centre	780 Upper Wentworth Street	10:00 a.m. to 5:00 p.m.
8	Westmount Recreation Centre	39 Montcalm Drive	10:00 a.m. to 5:00 p.m.
9	Stoney Creek United Church	1 King Street West	10:00 a.m. to 5:00 p.m.
10	Stoney Creek Alliance Church	605 Highway 8	10:00 a.m. to 5:00 p.m.
11	Stoney Creek Municipal Service Centre	777 Highway 8	10:00 a.m. to 5:00 p.m.
12	Ancaster Rotary Centre	385 Jerseyville Road East	10:00 a.m. to 5:00 p.m.
13	Dundas Lions Memorial Community Centre	10 Market Street South	10:00 a.m. to 5:00 p.m.
14	Lynden Troy United Church	3989 Governor's Road	10:00 a.m. to 5:00 p.m.
15	Royal Canadian Legion	79 Hamilton Street North	10:00 a.m. to 5:00 p.m.

Schedule "B" to By-law 03-255 to provide advance voting and reduced voting hours
at retirement homes and institutions for the 2003 Municipal Election

Special Advance Polls – Wednesday, October 29, 2003

Ward	Location	Address	Hours of Voting
1	Hamilton Housing Corporation Victoria Park Homes McMaster University	120 Strathcona Avenue 155 Queen Street North 1280 Main Street West	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
2	Aubrey Jones Apartments Hamilton Housing Corporation Martinique Apartments Seniors Apartment Seniors Apartment Hamilton Housing Corporation Hamilton Urban Core Community Health Centre	255 King Street West 226 Rebecca Street 155 Park Street 95 Hess Street South 181 Jackson Street West 200 Jackson Street West/191 Main Street West 71 Rebecca Street	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
3	St. John's Place Apartments (Ontario March of Dimes) Sanford Gardens First Place	20 Emerald Street North 30 Sanford Avenue South 360 King Street East	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
5	Greenvale Apartments	555 Queenston Road	10:00 a.m. to 7:00 p.m.
6	Eden Rock Swansea Apartments Arbour Place Apartments	877 Upper Gage Avenue 801 Upper Gage Avenue 700 Upper Kenilworth Avenue	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
7	Mohawk Gardens Apartments	395 Mohawk Road East	10:00 a.m. to 7:00 p.m.
8	Mohawk College	245 Fennell Avenue West	10:00 a.m. to 7:00 p.m.
10	Stoneybrook Manor 1 and 2	100 and 110 Stoneybrook	10:00 a.m. to 7:00 p.m.
11	Orchard Court Apartments Villages of Glancaster Retirement Community	2800 Library Lane 360 Silverbirch Boulevard	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
12	Redeemer University College	777 Garner Road East	10:00 a.m. to 7:00 p.m.
13	Bertram Place Retirement Living Centre Sherwood Place Helen Park Apartments	21 Hatt Street 25 Lynden Avenue 16 Helen Street	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.
14	Freelton Lions Villa	390 Freelton Road	10:00 a.m. to 7:00 p.m.
15	Village Manor Eaton Place Elim Villa	57 John Street West 298 Carlisle Road 87 Hamilton Street North	10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m. 10:00 a.m. to 7:00 p.m.

Schedule "C" to By-law 03-255 to provide advance voting and reduced voting hours
at retirement homes and institutions for the 2003 Municipal Election

Institutional Polls – Monday, November 10, 2003

Ward	Location	Address	Hours of Voting
1	Canadian National Institute for the Blind	1686 Main Street West	2:00 p.m. to 5:00 p.m.
	Shalom Village	60 & 70 Macklin Street North	2:00 p.m. to 5:00 p.m.
	St. Olga's Life Care Centre	570 King Street West	10:00 a.m. to 1:00 p.m.
	Parkview Nursing Home	545 King Street West	10:00 a.m. to 1:00 p.m.
	Aberdeen Gardens	330 Dundurn Street South	10:00 a.m. to 1:00 p.m.
2	Central Park Lodge	35 Arkledun Avenue	10:00 a.m. to 1:00 p.m.
	Durand Seniors Residence	10 Herkimer Street	2:00 p.m. to 5:00 p.m.
	Queen's Garden	80 Queen Street North	10:00 a.m. to 1:00 p.m.
	St. Joseph's Hospital Continuing Care Unit	50 Charlton Avenue East	10:00 a.m. to 1:00 p.m.
	Townsvlew Lifecare Centre	39 Mary Street	10:00 a.m. to 5:00 p.m.
	Versa-Care Services	330 Main Street East	10:00 a.m. to 1:00 p.m.
3	Hamilton Continuing Care	125 Wentworth Street South	2:00 p.m. to 5:00 p.m.
	St. Peter's Centre	88 Maplewood Avenue	10:00 a.m. to 1:00 p.m.
	Victoria Gardens Long Term Nursing Home	176 Victoria Avenue North	10:00 a.m. to 1:00 p.m.
	The Rosslyn	1322 King Street East	10:00 a.m. to 1:00 p.m.
	Atrium Villa	467 & 475 Main Street East	10:00 a.m. to 1:00 p.m.
6	Hillview Seniors Residence	832 Concession Street	2:00 p.m. to 5:00 p.m.
	Macassa Lodge	701 Upper Sherman	2:00 p.m. to 5:00 p.m.
7	Grace Villa	45 Lockton Crescent	10:00 a.m. to 5:00 p.m.
	The Wellington	1430 Upper Wellington	2:00 p.m. to 5:00 p.m.
	Villa Kiev	18 Mall Road	10:00 a.m. to 1:00 p.m.
	Wentworth Heights	1620 Upper Wentworth Street	10:00 a.m. to 5:00 p.m.
8	Chedoke Continuing Care Unit	472 & 565 Sanatorium Road	10:00 a.m. to 1:00 p.m.
	Extendacare Hamilton	90 Chedmac Drive	10:00 a.m. to 5:00 p.m.
	Idlewyld Manor	449 Sanitorium Road	10:00 a.m. to 1:00 p.m.
	St. Elizabeth's Villa	391 Rymal Road West	2:00 p.m. to 5:00 p.m.
	St. Joseph's Mental Health	100 West 5 th Avenue	10:00 a.m. to 5:00 p.m.
	Villa Italia	530 Upper Paradise Road	2:00 p.m. to 5:00 p.m.
9	Heritage Green Senior Centre	351 & 353 Isaac Brock Drive	10:00 a.m. to 1:00 p.m.
	Ridgeview Long Term Care Centre	385 Highland Road West	10:00 a.m. to 1:00 p.m.
10	New Village and Pine Villa Homes	490 Highway #8	10:00 a.m. to 1:00 p.m.
	Clarion Nursing Home/Lakeview Retirement Home	337 & 339 Highway #8	10:00 a.m. to 1:00 p.m.
11	Stoney Creek Life Care Centre	199 Glover Road	10:00 a.m. to 1:00 p.m.
12	The Meadowlands	1248 Mohawk Road	10:00 a.m. to 1:00 p.m.
	The Meadows	12 Tranquility Avenue	2:00 p.m. to 5:00 p.m.
	Carrington Place	75 Dunham Drive	10:00 a.m. to 1:00 p.m.
13	Blackadar Continuing Care	101 Creighton Road	10:00 a.m. to 1:00 p.m.
	Dundas Retirement Place	33 Main Street	10:00 a.m. to 1:00 p.m.
	St. Joseph's Villa	56 Governor's Road and 20 & 30 Overfield Street	10:00 a.m. to 5:00 p.m.
	The Georgian	255 Governor's Road	10:00 a.m. to 1:00 p.m.
	Wentworth Lodge	41 South Street West	10:00 a.m. to 1:00 p.m.
15	Alexander Place	329 Parkside Drive	10:00 a.m. to 1:00 p.m.
	Grindstone Creek Manor	335 Dundas Street East	2:00 p.m. to 5:00 p.m.

CA4 ON HBL
A08

Authority: Item 16, Committee of the Whole
Report 03-024 (FCS03144)
CM: September 10, 2003

Bill No. 256

CITY OF HAMILTON

BY-LAW NO. 03-256

To Authorize the City to Enter into Extension Agreements

WHEREAS s. 378 of the *Municipal Act, 2001*, (the "Act"), states that the City may enact a by-law after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 379 (1), to authorize the City to enter into an agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid (an "Extension Agreement");

AND WHEREAS, under the Act, the Treasurer registered a Tax Arrears Certificate indicating arrears of realty taxes in excess of three years against each of the parcels of land respectively described in Schedule "A" to this By-law.

AND WHEREAS each such parcel of land is recorded by the City of Hamilton under the specific Tax Roll Serial numbers indicated in Schedule "A" annexed hereto.

AND WHEREAS the one year period within which this by-law may be enacted will expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Authority to Enter into Extension Agreements

- 1.1 At any time from the date of this By-law up to and including the redemption date, the City may enter into Extension Agreements extending the time in which the Cancellation Price in respect of each of the parcels identified in schedule "A", in accordance with and subject to such terms, conditions and restrictions as may be,

(a) required under the *Municipal Act, 2001*;

(b) recommended by the City Solicitor.

1.2 An Extension Agreement under section 1.1. may be entered into by the City with any one or more of the owner, spouse of owner, mortgagee or tenant in occupation of each parcel of land described in Schedule "A" respectively.

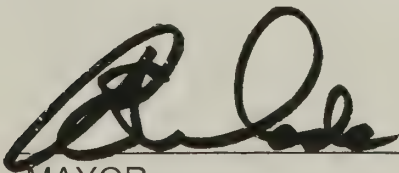
1.3 The authority hereby conferred may be exercised on or before the redemption date applicable to each such parcel of land respectively.

2. Signing Authority

An Extension Agreement under section 1 may be signed on the City's behalf by any two of the Mayor, the City Clerk, the Treasurer, the City's Director of Budgets, Taxation & Policy and the City's Manager of Tax Billing & Collections are hereby authorized to execute the Extension Agreement on behalf of the City.

This By-law shall come into force and take effect as of January 1, 2003.

PASSED and ENACTED this 10th day of September, 2003.



MAYOR

CLERK

Schedule "A"
Tax Arrears Certificates issued 2002/2003

<u>Roll #</u>	<u>Date Certificate Issued</u>	<u>Redemption Date</u>
003020087320000	2003/05/01	2004/05/01
003040153680000	2003/05/01	2004/05/01
003110094000000	2002/10/30	2003/10/30
003210351000000	2003/05/01	2004/05/01
003220180000000	2003/05/01	2004/05/01
003230162000000	2002/10/30	2003/10/30
003240422600000	2003/05/01	2004/05/01
003250328000000	2002/10/30	2003/10/30
003250405100000	2003/05/01	2004/05/01
003250440000000	2002/10/30	2003/10/30
003310555710000	2003/05/01	2004/05/01
003335003160000	2002/10/30	2003/10/30
003355175000000	2002/10/31	2003/10/31
003365174000000	2003/05/01	2004/05/01
003655109000000	2002/10/31	2003/01/27
003680400900000	2003/05/01	2004/05/01
003850385930000	2003/05/01	2004/05/01
003850392710000	2003/05/01	2004/05/01
003850395190000	2003/05/01	2004/05/01
010044044500000	2002/10/31	2003/10/31
010051039100000	2003/05/01	2004/05/01
010051052700000	2002/10/31	2003/10/31
010053055600000	2002/10/31	2003/10/31
010063080300000	2003/05/02	2004/05/02
010084050800000	2003/05/02	2004/05/02
010092528500000	2003/05/02	2004/05/02
010092562200000	2002/10/31	2003/10/31
010094051000000	2003/05/02	2004/05/02
010094554000000	2003/05/02	2004/05/02
010102501900000	2002/10/31	2003/10/31
010105568500000	2002/09/30	2003/09/30
020121500400000	2003/05/02	2004/05/30
020126043100000	2002/09/30	2003/09/30
020131514800000	2003/05/02	2004/05/02
020131515100000	2002/10/31	2003/10/31
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020143507000000	2003/05/02	2004/05/02
020151080000000	2003/05/02	2004/05/02
020152514500000	2002/11/12	2003/12/02
020153579800000	2002/12/13	2003/01/07
020153583400000	2002/10/31	2003/10/31
020156007900000	2002/10/31	2003/10/31
020156504000000	2002/09/30	2003/09/30
020163042800000	2002/09/30	2003/09/30
020165030700000	2002/09/30	2003/09/30

<u>Roll #</u>	<u>Date Certificate Issued</u>	<u>Redemption Date</u>
020181079900000	2002/10/30	2003/10/30
030201041100000	2002/10/30	2003/10/30
030205016600000	2003/05/02	2004/05/02
030211530300000	2003/05/02	2004/05/02
030212001000000	2003/05/02	2004/05/02
030212004300000	2002/10/30	2003/10/30
030214552300000	2003/05/02	2004/05/02
030215007300000	2002/10/31	2003/10/31
030216580000000	2002/09/30	2003/09/30
030217007900000	2002/10/31	2003/10/31
030217530400000	2003/05/02	2004/05/02
030221024000000	2002/11/01	2003/11/01
030222003400000	2002/09/30	2003/09/30
030222042000000	2002/09/30	2003/09/30
030223053800000	2002/09/30	2003/09/30
030224040300000	2002/11/01	2003/11/01
030231560900000	2003/06/03	2004/06/03
030232565100000	2002/11/01	2003/11/01
030233000100000	2003/06/03	2004/06/03
030233583400000	2002/09/30	2003/09/30
030235042100000	2002/09/30	2003/09/30
030236078900000	2002/11/01	2003/11/01
030236516600000	2002/11/01	2003/11/01
030237020900000	2002/11/04	2003/11/04
030237032000000	2002/09/30	2003/09/30
030237506700000	2002/09/30	2003/09/30
030237513600000	2002/11/05	2003/11/05
030242074300000	2003/06/03	2004/06/03
030244093600000	2003/06/03	2004/06/03
030253075400000	2002/11/05	2003/11/05
030261010600000	2002/11/05	2003/11/05
030263504300000	2002/11/08	2003/11/08
030263508200000	2002/11/08	2003/11/08
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030266056000000	2002/09/30	2003/09/30
030266083300000	2002/11/07	2003/11/07
030273043600000	2003/06/03	2004/06/03
040281001900000	2003/06/03	2004/06/03
040281525100000	2002/11/07	2003/11/07
040282019600000	2002/09/30	2003/09/30
040284000400000	2002/09/30	2003/09/30
040284514800000	2002/11/08	2003/11/08
040284516000000	2003/06/03	2004/06/03

<u>Roll #</u>	<u>Date Certificate Issued</u>	<u>Redemption Date</u>
040285008200000	2003/06/03	2004/06/03
040285024900000	2002/09/30	2003/09/30
040285027300000	2002/09/30	2003/09/30
040287524400000	2002/11/08	2003/11/08
040291052900000	2003/06/03	2004/06/03
040291058600000	2003/06/03	2004/06/03
040293052400000	2003/06/03	2004/06/03
040301079100000	2003/06/03	2004/06/03
040302026500000	2002/11/08	2003/11/08
040303058000000	2003/06/03	2004/06/03
040304002500000	2002/11/12	2003/11/12
040306076000000	2003/06/04	2004/06/04
040311004600000	2002/11/13	2003/11/13
040314027200000	2002/09/30	2003/09/30
040314030500000	2002/11/13	2003/11/13
040314510500000	2002/11/13	2003/11/13
040321009700000	2003/06/04	2004/06/04
040323095000000	2002/11/19	2003/11/19
040331068400000	2002/11/14	2003/11/14
040332014500000	2002/09/30	2003/09/30
040332085300000	2002/11/14	2003/11/14
040332565900000	2002/11/14	2003/11/14
040332573700000	2003/06/03	2004/06/03
040333539300000	2003/06/03	2004/06/03
040333569900000	2002/11/14	2003/11/14
040344000400000	2003/06/03	2004/06/03
040351000700000	2003/06/03	2004/06/03
040351096600000	2003/06/03	2004/06/03
050361076400000	2003/06/03	2004/06/03
050362021700000	2003/06/03	2004/06/03
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050391073600000	2003/06/04	2004/06/04
050401031800000	2003/06/04	2004/06/04
050401073500000	2002/11/15	2003/11/15
050403004300000	2002/09/30	2003/09/30
050403073200000	2002/11/15	2003/11/15
050403090600000	2003/06/04	2004/06/04
050461023100000	2002/10/30	2003/10/30
050472006300000	2003/06/04	2004/06/04
050481041720000	2002/11/18	2003/11/18
050491015500000	2003/06/04	2004/06/04
050511034600000	2002/11/21	2003/11/21
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050512031300000	2003/06/04	2004/06/04

<u>Roll #</u>	<u>Date Certificate Issued</u>	<u>Redemption Date</u>
050514013300000	2003/06/13	2004/06/13
050533551400000	2003/06/13	2004/06/13
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060701024120000	2002/09/30	2003/09/30
060761020280000	2002/11/25	2003/11/25
070651090680000	2002/11/25	2003/11/25
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070816061700000	2002/11/26	2003/11/26
070816065000000	2002/11/27	2003/11/27
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070861029250000	2002/11/27	2003/11/27
070881089400000	2002/12/04	2003/12/04
071131001600000	2002/11/28	2003/11/28
071131001900000	2002/11/27	2003/11/27
080902087100000	2002/11/28	2003/11/28
080993009900000	2002/10/30	2003/10/30
081012045600000	2002/12/02	2003/12/02
081022022280000	2002/12/02	2003/12/02
081031034590000	2002/12/02	2003/12/02
081061045100000	2003/03/25	2004/03/25
081101081800000	2003/03/26	2004/03/26
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140260168000000	2003/03/26	2004/03/26
140280280000000	2003/03/26	2004/03/26
140320008500000	2003/03/26	2004/03/26
140380272000000	2003/03/26	2004/03/26
260120162000000	2003/03/26	2004/03/26
260280468000000	2003/03/26	2004/03/26
260290004180000	2003/03/26	2004/03/26
302330586000000	2003/03/26	2004/03/26
303330507760000	2003/03/26	2004/03/26
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303350282520000	2003/03/26	2004/03/26
303610615000000	2003/03/26	2004/03/26
303930368100000	2003/03/27	2004/03/27
902120002040000	2003/03/27	2004/03/27
902320204000000	2003/03/27	2004/03/27

CAH ON HBL
A08

B91

Bill No. 257

THE CITY OF HAMILTON

BY-LAW NO. 03- 257

To Confirm the Proceedings of City Council at its meeting held on September 10, 2003

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

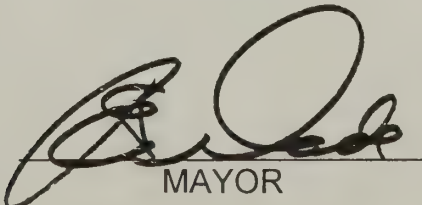
1. The Action of City Council at its meeting held on the 10th day of September 2003 in respect of each recommendation contained in:

Report 03-023 of the Committee of the Whole,
Report 03-024 of the Committee of the Whole,
Report 03-029 of the Hearings Sub-Committee,

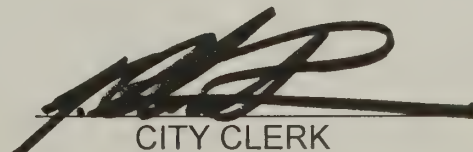
considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 10th day of September 2003



MAYOR



CITY CLERK

CALON HBL
A08

Authority: Item 16, Committee of the Whole
Report 02-043 (TOE02204)
CM: December 11, 2002

Bill No. 258

**CITY OF HAMILTON
BY-LAW NO. 03- 258
To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Bay	Both	Markland to Herkimer	3 hr	8 am - 8 am (24 hrs)	Mon – Sun
Markland	South	Bay to Chilton	1 hr	8 am - 8 am (24 hrs)	Mon - Sun
Markland	Both	James to MacNab	3 hr	8 am - 6 pm	Mon - Sat
Markland	Both	MacNab to Park	3 hr	8 am - 6 pm	Mon – Sat"

and by adding to Section "E" thereof the following item, namely:

"Markland	North	James to Park	3 hr	8 am - 6 pm	Mon – Sat"
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and by deleting from Subsection B(17) of Section "G" thereof the following item, namely:

"Herkimer South commencing 98 feet west of Park to a point 215 feet"
westerly therefrom

2. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Markland	South	James to Queen	Anytime
Markland	North	James to Queen	8 am – 12 noon"
			2 nd Thur. each month
			APRIL - NOV

and by deleting from Section "E" thereof the following item, namely:

"Markland	South	Bay to Queen	Anytime
Markland	North	Bay to Queen	8 am – 12 noon"
			2 nd Thur. each month
			APRIL - NOV

3. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Markland Street	South	North"
Bay Street to James Street		

4. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Charlton	North	James to MacNab	4:00 p.m. – 6:00 p.m.
			Monday to Friday
Charlton	North	Hess to Queen	4:00 p.m. – 6:00 p.m.
			Monday to Friday
Herkimer	North	Bay to James	4:00 p.m. – 6:00 p.m.
			Monday to Friday
Herkimer	South	James to MacNab	4:00 p.m. – 6:00 p.m."
			Monday to Friday

and by deleting from Section "E" thereof the following items, namely:

"Bay	East	Aberdeen to Markland	Mon. to Fri. 7:00 am – 9:00 am
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Bay	West	Aberdeen to Herkimer	Mon. to Fri." 7:00 am – 9:00 am
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and by deleting from Section "G" thereof the following items, namely:

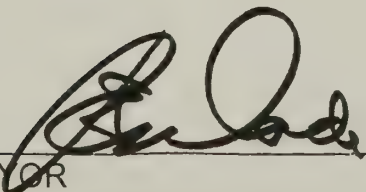
"Charlton	North	James to Queen	Mon. – Fri. 4:00 pm – 6:00 pm
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Herkimer	Both	James to Bay	Mon. – Fri. 4:00 pm – 6:00 pm
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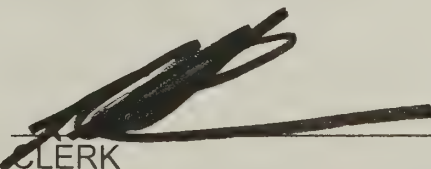
Herkimer	North	Queen to Bay	Mon. – Fri." 4:00 pm – 6:00 pm
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5. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 24th day of September, 2003



MAYOR



CLERK

CAN ON HBL
A08

Authority: Item 16, Committee of the Whole
Report 02-043 (TOE02204)
CM: December 11, 2002

Bill No. 259

**CITY OF HAMILTON
BY-LAW NO. 03- 259
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 8 (No Right Turns) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "G" and by adding to Section "E" thereof the following items, namely:

"Hess	Northerly	Markland	Anytime
Hilton	Northerly	Markland	Anytime
Bay	Northerly	Markland	Anytime
Chilton	Northerly	Markland	Anytime"

2. Schedule 10 (No Left Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" and deleting from Section "G" thereof the following items, namely:

"James	Northerly	Markland	Anytime
Hess	Southerly	Markland	Anytime

Bruce	Southerly	Markland	Anytime
Caroline	Southerly	Markland	Anytime
Park	Southerly	Markland	Anytime"

3. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

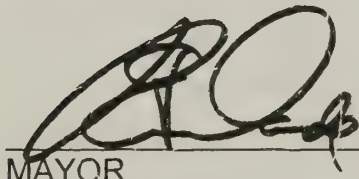
"Markland James to Queen south curb lane Eastbound"

and by adding to Section "E" thereof the following item, namely:

"Markland James to 15m north curb lane Anytime Westbound"
east of Queen

4. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 24th day of September, 2003



MAYOR



CLERK

CANON HBL
A08

Authority: Item 8, Hearings Sub-Committee
Report 03-027 (PD03198)
CM: August 13, 2003

Bill No. 260

CITY OF HAMILTON

BY-LAW NO. 03-260

**To Amend Zoning By-law No. 6593
Respecting the Rear Portion of Lands Located at 201 Stone Church Road
West**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 8 of Report 03-027 of the Hearings Sub-Committee at its meeting held on the 13th day of August, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. W-9C of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

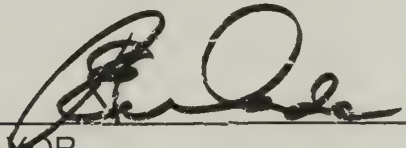
A By-law Respecting 201 Stone Church Road West

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, Etc.) District,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

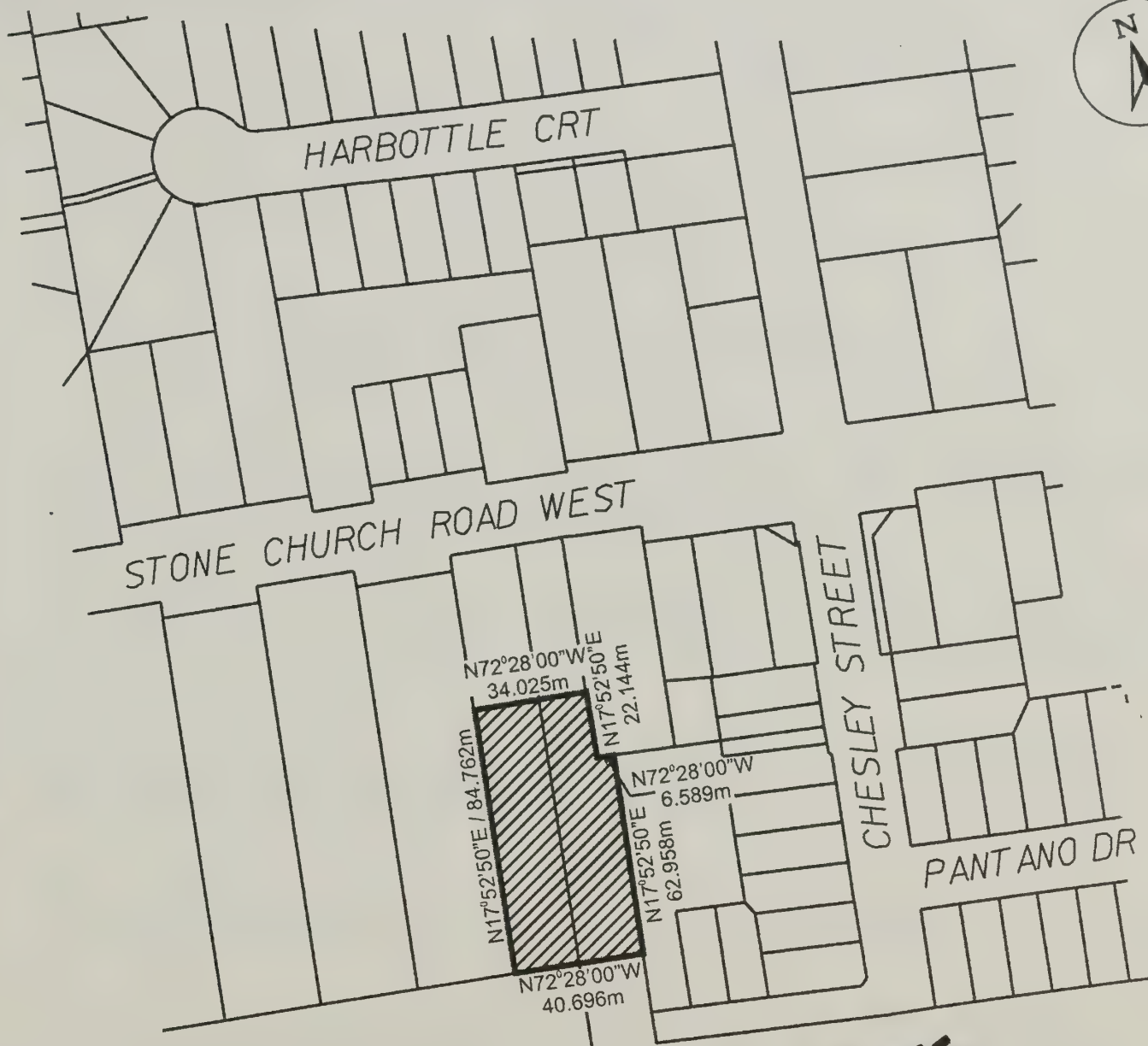
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 24th day of September, 2003.



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03-260

Passed the 24th day of September, 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-260
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend



Subject Property

201 Stone Church Road West
Change in zoning from "AA" (Agricultural)
District to "C" (Urban Protected Residential,
etc.) District

North



Scale
NOT TO SCALE

Date
September 02, 2003

Reference File No.
ZAC-03-45/25T200311

Drawn By
NB

CALON HBL
A08

B91

Authority: Item 14, Committee of the Whole
Report 02-003 (FCS01007)
CM: September 24, 2003

Bill No. 261

CITY OF HAMILTON

BY-LAW NO. 03-261

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Parking Meters) of By-law No. 01-218, as amended, is hereby further amended by deleting from Subsection 3(a) of Section "E" thereof (1 hour at 50¢ per hour) the following item, namely:

"Cheever West Barton to 112 feet north"

2. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Cheever West commencing at Barton and extending 68 feet northerly therefrom Anytime

King North from 26 feet west of East to 24 feet westerly Anytime

Leland	West	Whitney to Merna	Anytime
Rendell	Both	Queensdale to Everton	9 am – 2 pm" Mon - Fri

and by adding to Section "E" thereof the following items, namely:

"Cheever	West	Barton to 40.2m northerly	Anytime
Cheever	East	Barton to 50.3m northerly	Anytime
King	North	East Avenue to 21.3m westerly	Anytime
Leland	West	Whitney to southerly end of Leland	Anytime
Ottawa	West	from 35.1m north of Roxborough to 6.8m northerly	9:00 a.m. to 6:00 p.m."

3. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Cheever Street Barton Street to Birge Street	West	East"
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and by adding to Section "E" thereof the following item, namely:

"Cheever Street from 40.2m north of Barton Street to Birge Street	West	East"
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4. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Pearl	East	from 14.2m south of George to 6.2m southerly	Anytime
Strathcona	East	commencing 347 feet north of Main and extending 22 feet northerly therefrom	Anytime"

and by adding to Section "E" thereof the following items, namely:

"Mary	East	from 72m north of Robert to 5.7m northerly	Anytime
Sheaffe	North	from 35.5m west of Park to 5.8m westerly	Anytime"

5. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Cheever	East	Barton to 165 ft. north	Anytime"
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and by adding to Section "E" thereof the following item, namely:

"Cheever	East	Barton to 15.9m northerly	Anytime"
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and by deleting from Section "G" thereof the following item, namely:

"Gage	West	from 106.1m south of Beechwood to 95.4m southerly	4:00 p.m. to 6:00 p.m." Monday to Friday
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6. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Palmer	East	30 feet	111 feet south of the south curb line of Rosanne	7:00 am – 6:00 pm" Monday to Saturday
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and by adding to Section "E" thereof the following item, namely:

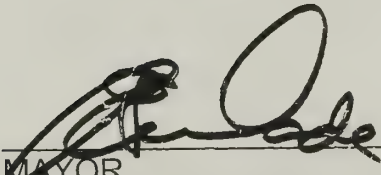
"Palmer	East	from 33.8m south of the extended curb line of Rosanne to 9.1m southerly	8:00 a.m. to 4:00 p.m." Monday to Friday
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7. Schedule 20 (School Bus Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Gage	West	from 18.3m south of the extended south curb line of Primrose to 18.3m southerly	7:00 a.m. to 6:00 p.m." Monday to Saturday
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8. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
9. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 24th day of September, 2003.



MAYOR



CITY CLERK

City of Hamilton

BY-LAW No. 03-262

Respecting:

REMOVAL OF PART LOT CONTROL

**WITHIN A PORTION OF
"TRILLIUM GARDENS - Phase 1", PLAN 62M-968,
Parts 1 to 8, 62R- 16548.**

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 sec.50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, (sec.50 (7) states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities, namely The Corporation of the City of Stoney Creek;

AND WHEREAS the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

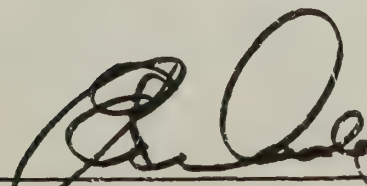
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of. Section 50 of the Planning Act, for the purpose of creating seven (7) freehold street townhouse units, shown as Parts 1 to 7, inclusive, Reference Plan 62R – 16548, and to allow for a maintenance easement, as shown as Part 1, Reference Plan 62R - 16548, shall not apply to the following designated land:

Part of Block 23, Registered Plan Number 62M-968, in the City of Hamilton (Stoney Creek).

2. This by-law shall be registered on title to the said land and shall come into force and effect on the date of such registration.
3. This By-law shall cease, expire and be of no further effect on September 10th, 2005.

PASSED and ENACTED this 24th day of September, A.D. 2003.



MAYOR



CLERK

CA4 ON HBL

A08

B91

Authority: Item 1, Hearings Sub-Committee
Report 03-029 (PD03189)
CM: September 10, 2003

Bill No. 263

CITY OF HAMILTON

BY-LAW NO. 03-263

To Adopt:

Official Plan Amendment No. 94 to the former Town of Flamborough Official Plan;

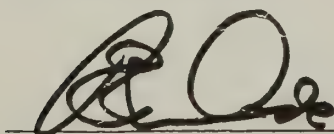
Respecting:

682 5th Concession Road West

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 94 to the Official Plan of the former Town of Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 24th day of September, 2003



MAYOR


CLERK

Amendment No. 94

to the

Official Plan of the former Town of Flamborough

The following text together with Schedule "B" – Rural Land Use Plan, attached hereto, constitute Official Plan Amendment No. 94.

Purpose:

The purpose of this Amendment is to re-designate a property located at 682 5th Concession Road West, from "Agriculture" to an "Agriculture Site Specific Area" designation to permit a topsoil preparation and supply business.

Location:

The land affected by this Amendment is located north of 4th Concession Road West, south of 5th Concession Road West, east of Brock Road, and west of Carey Street, and is municipally known as 682 5th Concession Road West.

Basis:

The basis for permitting this proposal is as follows:

- The proposal is in conformity with the policies of the Provincial Policy Statement and the Official Plan of the former Regional Municipality of Hamilton-Wentworth.
- The proposed use is compatible with the surrounding land uses and is located on lands that have limited agricultural potential.
- The subject lands are accessible from the 5th Concession Road West, and the business would be of benefit to the agricultural community because of its removal of animal waste and the provision of various soil products for farming.

Actual Changes:

- 1) That Schedule "B", Rural Land Use Plan, be revised by identifying the subject lands as OPA # 94 and by re-designating the subject lands as "Agriculture Site Specific Area No. 52 " as shown on Schedule "B" to this Amendment.
- 2) Amend Section B.2.12, Agriculture – Site Specific Areas, by adding Policy B.2.12.12 as follows:

B.2.12.12 "Notwithstanding Policies B.2.1, B.2.3 and B.2.4, the lands municipally known as 682 5th Concession Road West and identified as Site Specific Area 52 on Schedule "B", Rural Land Use Plan of the former Town of Flamborough, a topsoil preparation and supply business shall be permitted.

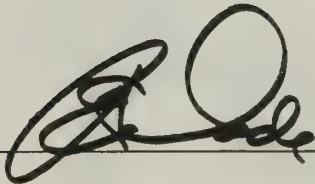
Notwithstanding the heritage policies contained in Policy E.2, the stone house and silo located in the northern half of Lot 11, Concession 4, in the former Town of Flamborough, shall be retained and preserved in place."

Implementation:

Section F – Implementation, of the Official Plan of the former Town of Flamborough and a Zoning By-law amendment will give effect to the Amendment.

This is Schedule "1" to By-law No. 03-263, passed on the 24th day of September, 2003.

**The
City of Hamilton**

A handwritten signature in black ink, appearing to be "B. Ode", written over a horizontal line.

Mayor

A handwritten signature in black ink, appearing to be "J. P.", written over a horizontal line.

Clerk

TOWN OF FLAMBOROUGH

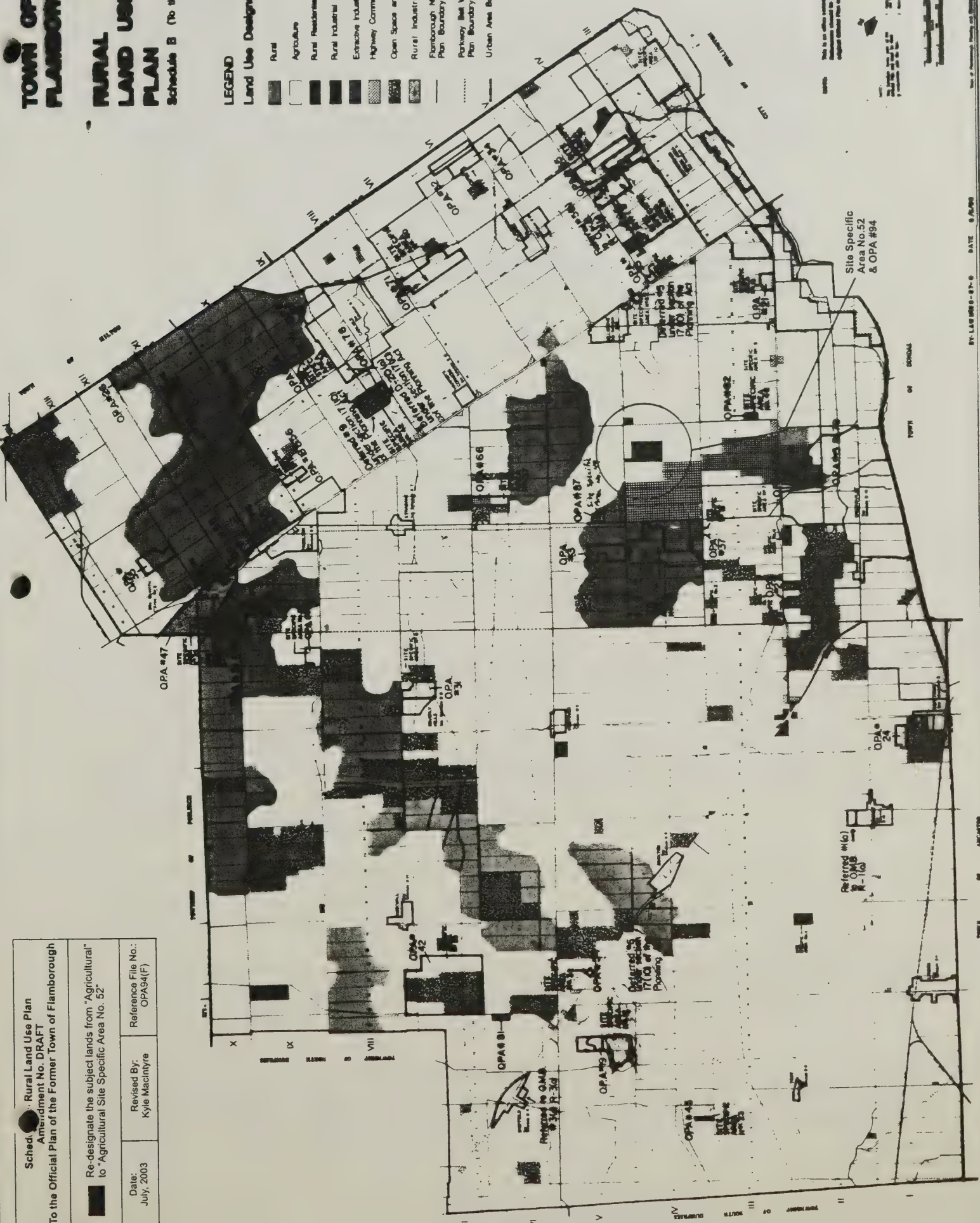
RURAL LAND USE PLAN

Schedule B (To the Official Plan)

LEGEND

Land Use Designations

- Rural
- Agriculture
- Rural Residential Estate Development
- Rural Industrial
- Extensive Industrial
- Highway Commercial - Rural
- Open Space and Recreation
- Rural Industrial Park
- Flamborough Niagara Escarpment Plan Boundary
- Parkway Belt West Plan Boundary
- Urban Area Boundary



This is an official document.
It is not to be used for any other purpose.
It is not to be used for any other purpose.

DATE: JULY 2000
BY: KYLE MACINTYRE



Sched. B Rural Land Use Plan Amendment No. DRAFT To the Official Plan of the Former Town of Flamborough			
Re-designate the subject lands from "Agricultural" to "Agricultural Site Specific Area No. 52"		Reference File No.: OPA94(F)	
Date: July, 2003		Revised By: Kyle MacIntyre	

CAY ON HBL
A08

B91

Authority: Item 1, Hearings Sub-Committee
Report 03-029 (PD03189)
CM: September 10, 2003

Bill No. 264

CITY OF HAMILTON

BY-LAW NO. 03-264

To Amend:

Zoning By-law No. 90-145-Z (Flamborough),

Respecting:

LANDS LOCATED AT 682 5th CONCESSION ROAD WEST

Owned by Ed Dokter (Millgrove Garden Supplies)
(former Town of Flamborough)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough), approved by the Minister under the Planning Act on September 27th, 1988, as amended by Official Plan

Amendment No. 94 proposed by the Corporation of the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "A-10" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning of the lands shown as Block "1" on Schedule "A" from the Agricultural "A" Zone to the Conservation Management "CM" Zone;
2. Schedule "A-10" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning of the lands that are located at 682 5th Concession Road West from Agricultural "A" Zone to the Site-Specific Agricultural "A-77(H)" Zone for lands comprising approximately 14 hectares (34.5 acres) located on Part of Lots 10 and 11, Concession 4 (Former Town of Flamborough) more particularly shown as Block 2 on Schedule "A" which forms part of this By-law.

Section 33.3 - Agricultural "A" Zone is hereby amended by adding the following subsection:

33.3 EXCEPTION NUMBERS

33.3.77 'A-77(H)' (see Schedule A-10)

Permitted Uses

(a) Any use permitted in the Agricultural "A" Zone

(b) That notwithstanding Section 33.1, a topsoil preparation and supply business and accessory uses, including a maintenance building not to exceed 700 square metres, shall be permitted only in conjunction with the existing stone structure (former dwelling) and silo.

For the purpose of this by-law, a topsoil preparation and supply business shall mean a business in which soil, manure and mulches are screened, mixed and/or stored on site for distribution off premises.

Zone Provisions

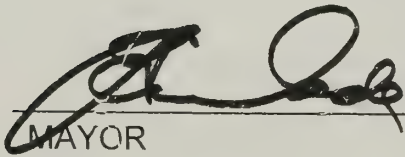
That the following special zoning provisions shall apply to the development of the topsoil preparation and supply business:

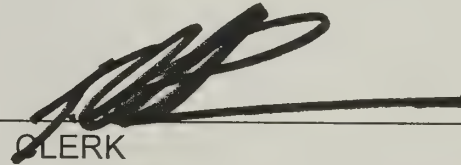
- | | |
|--------------------------------------|--|
| (1) Setbacks | (i) A minimum 30 metre wide setback shall be provided and maintained along the entire westerly lot line, the Conservation Management "CM" Zone and the northerly side lot line. |
| | (ii) All building and structures, excluding a single detached dwelling, shall be setback a minimum of 145 metres from the front lot line. |
| (2) Berm | A landscaped berm having a minimum height of 1 metre shall be provided and maintained along the entire 30 metre setback from the Conservation Management "CM" Zone. |
| (3) Parking | A minimum of 10 parking spaces shall be required. |
| (4) Removal of Holding (H) Provision | The Holding (H) provision will prohibit the use of the subject lands for a Topsoil Preparation and Supply Business, until such time that a site plan has been submitted and approved, to the satisfaction of the Director of Development, Planning and Development Department. |

All other regulations of Section 33 Agricultural "A" Zone and Section 5, General Provisions of Zoning By-law 90-145-Z (Flamborough) applicable to Block 2 shall continue to apply.

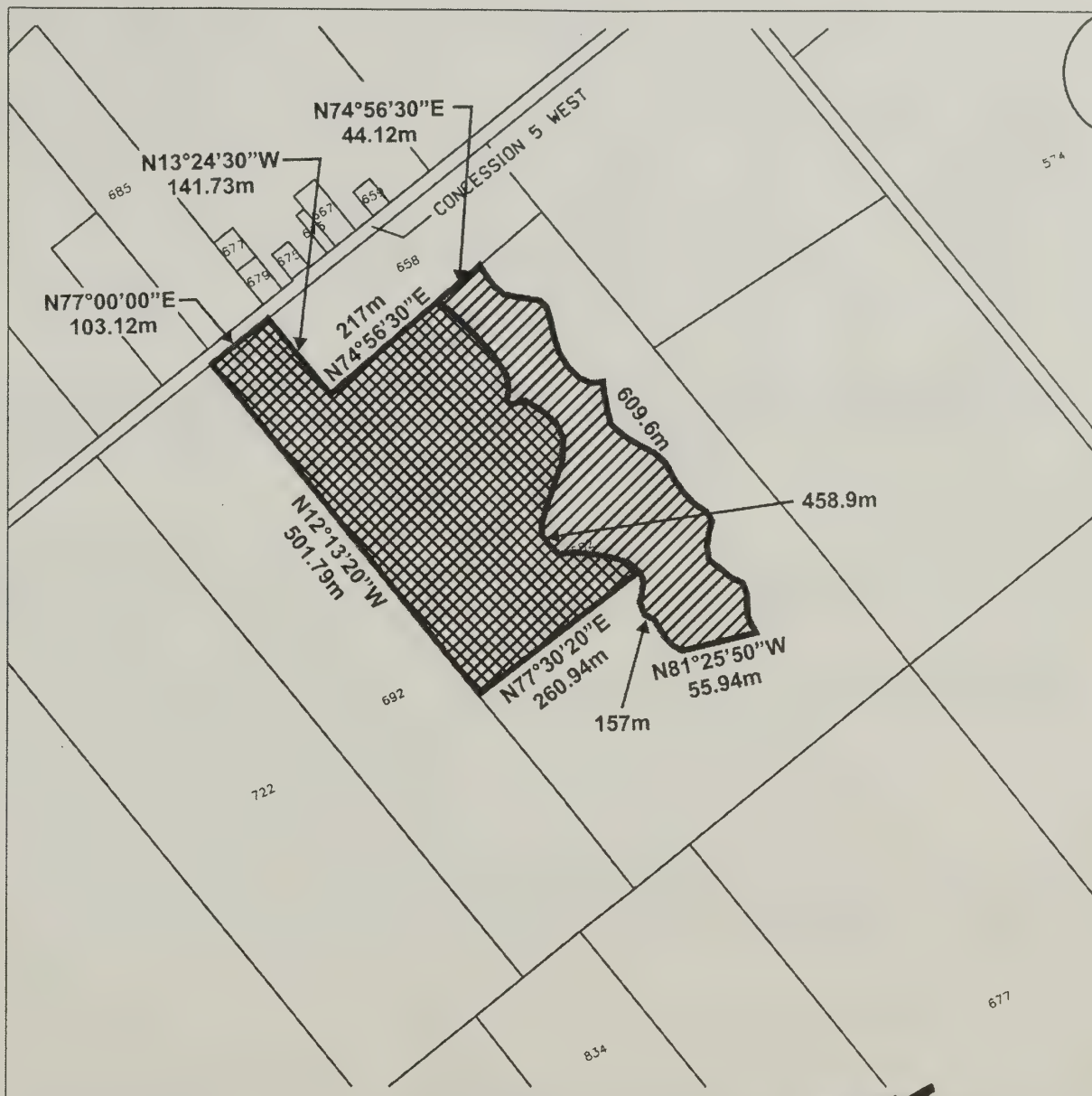
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 24th day of September, 2003 .



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03-264

Passed the 24th day of September, 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-264
to Amend By-Law No. 90-145-Z



Hamilton

Planning and Development Department

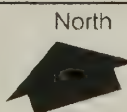
Subject Lands
682 5th Concession Road West



Block 1: Lands to be zoned Conservation Management "CM" Zone



Block 2: Lands to be rezoned to "A-77(H) Zone for Topsoil Preparation and Supply Business



North

Scale
NOT TO SCALE

Date
Sept. 3, 2003

Reference File No.
ZAC-02-60

Drawn By
LM

CAH ON HBL
A08

B91

Authority:
CM: September 24, 2003

Bill No. 265

CITY OF HAMILTON

By-law No: 03-265

Being a By-law to amend By-law 03-255, being a By-law to provide for advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election

WHEREAS Section 43 (1) of the *Municipal Elections Act, 1996, as amended*, provides that a municipal council shall pass a by-law establishing one or more dates for an advance vote and the hours during which voting places shall be open on that date or dates;

WHEREAS By-law 03-255, being a By-law to provide for advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election was enacted by City Council at its meeting held September 10, 2003;

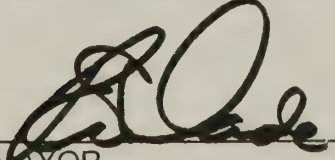
NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

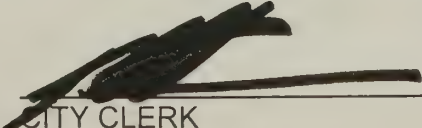
1. That Schedule "B" to By-law 03-255 to provide advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election be amended to include the following Special Advance Polls in Ward 2 on Wednesday, October 29, 2003:

Location	Address	Hours of Voting
Good Shepherd Centre	135 Mary Street	2:00 p.m. to 5:00 p.m.
Mission Services	309 James St. N.	8:00 a.m. to 11:00 a.m.
Salvation Army Booth Centre	94 York Boulevard	2:00 p.m. to 5:00 p.m.
Wesley Urban Ministries	195 Ferguson Ave. N.	11:00 a.m. to 2:00 p.m.

2. This By-law comes into force on the date of its enactment.

ENACTED and PASSED this 24th day of September, 2003.


MAYOR


CITY CLERK

CANON HBL
A08

B91

Authority:

Item 6, Hearings Sub-Committee
Report: 03-027 (PD03191)
CM: August 13, 2003

Bill No. 266

The City of Hamilton

BY-LAW NO. 03 -266

To Adopt:

Official Plan Amendment No. 188 to the former City of Hamilton Official Plan;

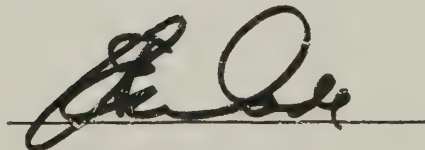
Respecting:

261 Dundurn Street South

The Council of the City of Hamilton enacts as follows:

1. Amendment No. 188 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 24th day of September, 2003



MAYOR



CITY CLERK

Amendment No. 188
to the
Official Plan of the Former City of Hamilton

The following text and Schedule "A", attached hereto, constitutes Official Plan Amendment No. 188.

Purpose:

The purpose of the Amendment is to redesignate the subject lands from "Residential" to "Commercial" to permit a mixed use building with a commercial use on the first floor and 4 residential units on the second floor.

Location:

The land affected by this Amendment is municipally known as 261 Dundurn Street South.

Basis:

- Redesignation to "Commercial" on the subject lands is a relatively minor extension to the adjacent designation on the southeast corner of Dundurn St. and Charlton Ave. and is necessary to ensure the entire site has a consistent official plan designation.
- The amendment supports the general intent of the Official Plan and the Kirkendall North Neighbourhood Plan.
- Commercial uses are appropriate as the site is located on a major arterial road.
- The development of the site as a mixed commercial/residential building is consistent with the existing land use in this vicinity, will be compatible in scale and density, and will provides a transition between commercial uses on Dundurn St. and the existing residential area on Charlton Ave.
- The Amendment facilitates an infill development project which promotes the efficient use of existing infrastructure and supports the existing commercial area on Dundurn St.

Actual Change:

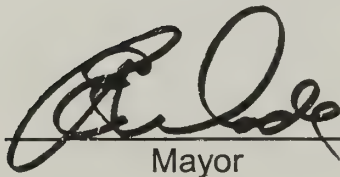
1. Schedule "A", Land Use Concept, of the former City of Hamilton Official Plan is hereby revised by redesignating the property located at 261 Dundurn Street South, from "Residential" to "Commercial" as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-Law amendment and site plan will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 03-266 passed on the 24th day of September, 2003.

City of Hamilton



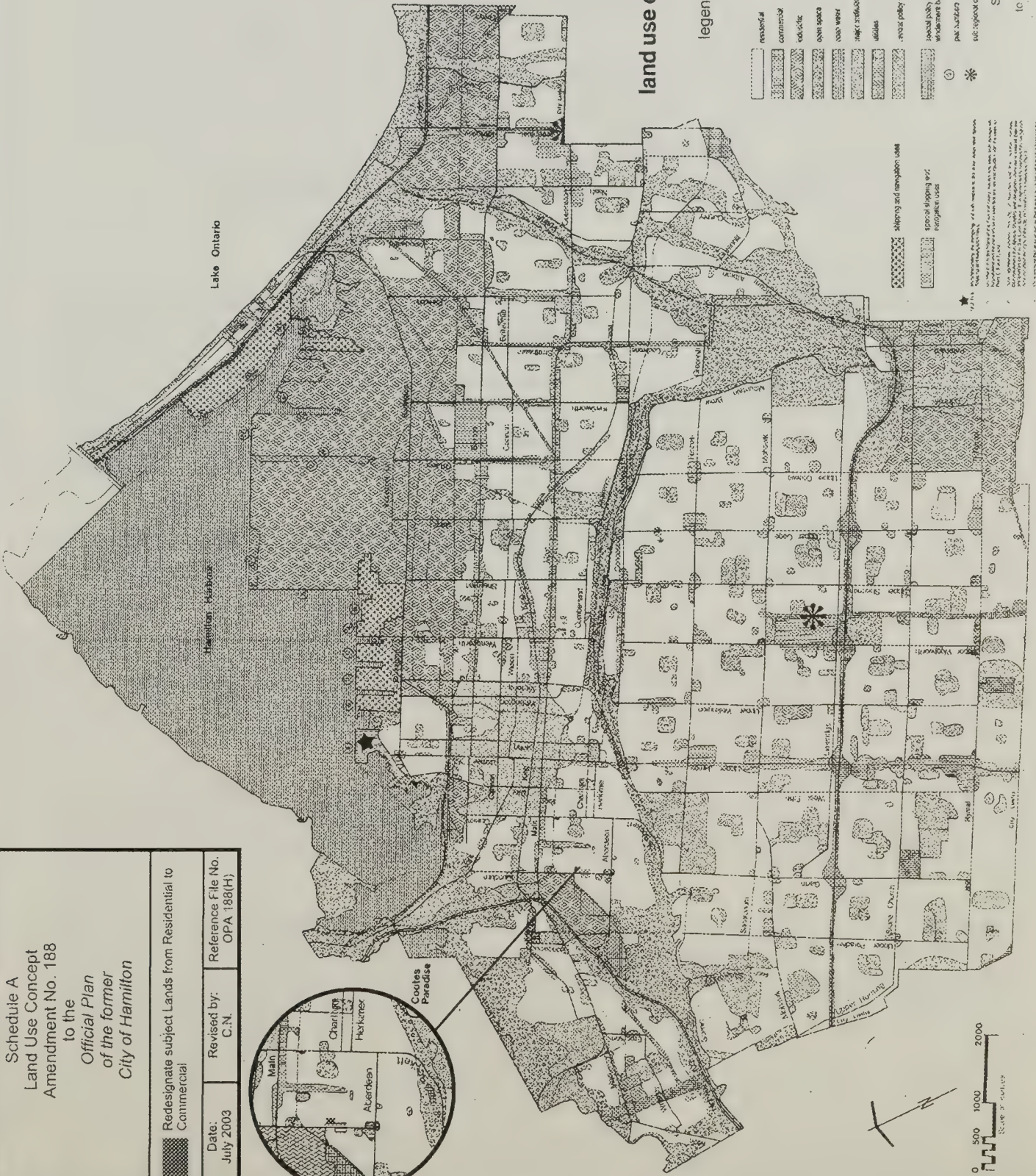
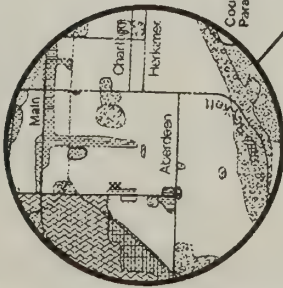
Mayor

City Clerk

Schedule A
Land Use Concept
Amendment No. 188
to the
Official Plan
of the former
City of Hamilton

Redesignate subject lands from Residential to Commercial

Date: July 2003
Reference File No. OPA 188(H)
Revised by: C.N.



land use concept

legend

- residential
- commercial
- industrial
- open space
- water
- major infrastructure
- utilities
- recreation policy area
- special policy area
- wholesale base
- park
- public
- special
- navigation

schedule A
to the official plan
for
the city of hamilton

CHON HBL
A08

Authority: Item 6, Hearings Sub-Committee
Report 03-027 (PD03191)
CM: August 13, 2003

Bill No. 267

CITY OF HAMILTON

BY-LAW NO. 03-267

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 261 Dundurn Street South**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 6 of Report 03-027 of the Hearings Sub-Committee at its meeting held on the 13th day of August, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 188 proposed by the Corporation of the City of Hamilton as By-law No. 03-266, but not yet approved in accordance with the provisions of the Planning Act.

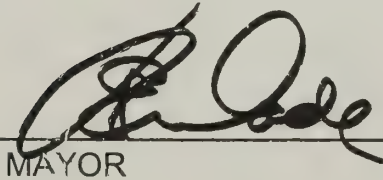
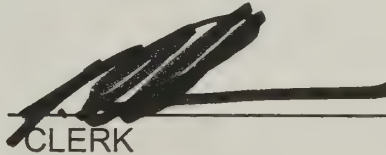
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. W-13 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

- (a) by changing from "G-3" (Public Parking Lots) District, Modified to "H" (Community Shopping and Commercial, Etc.) District, the lands comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. The "H" (Community Shopping and Commercial, Etc.) District provisions, applicable to Block "1", as contained in Section 14 of Zoning By-law No. 6593, are amended to the extent only of the special requirements that:
- (a) Notwithstanding Subsection 14.(1)(iii) of Zoning By-law No. 6593, a maximum of four (4) dwelling units shall be permitted in the same building with a commercial use permitted in the district;
 - (b) Notwithstanding Subsection 14.(3)(ii)(a) of Zoning By-law No. 6593, a minimum easterly side yard of 0.5 metres shall be provided and maintained;
 - (c) Notwithstanding Subsection 14.(3)(iii)(b) of Zoning By-law No. 6593, a minimum 0.0 metre rear yard shall be provided and maintained;
 - (d) Notwithstanding Subsection 14.(9)(i) and Subsection 18A.(12) of Zoning By-law No. 6593, a minimum 1.0 metre wide planting strip shall be provided along the easterly side lot line adjoining a residential district or use, except where a building, structure or accessory building is located;
 - (e) Notwithstanding Subsection 14.(9)(i) of Zoning By-law No. 6593, a planting strip shall not be required along the westerly side lot line;
 - (f) Notwithstanding Subsection 18A.(11)(a) of Zoning By-law No. 6593, the boundary of the parking area shall be fixed not less than 1.0 metres from the adjoining easterly residential district boundary;
 - (g) Notwithstanding Subsection 18A.(1)(a) and 18A.(1)(b) of Zoning By-law No. 6593, a minimum of one (1) parking space shall be provided and maintained per dwelling unit;
 - (h) The parking spaces provided are restricted to residential parking only and must be signed accordingly;
3. The "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that:
- (a) Notwithstanding Subsection 18A.(1)(f) of Zoning By-law No. 6593, no manoeuvring space shall be required for the existing five (5) parking spaces abutting the public assumed alleyway along the southerly property line;

- (b) Notwithstanding Subsection 14.(9)(i) of Zoning By-law No. 6593, a planting strip shall not be required along the northerly side lot line;
4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in sections 2 and 3.
 5. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-805a.
 6. Sheet No. W-13 of the District Maps is amended by marking the lands referred in Section 1, 2, and 3 of this by-law as S-805a.
 7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 24th day of September, 2003.


MAYOR
CLERK



CHARLTON AVENUE WEST

DUNDURN STREET SOUTH

HERKIMER STREET

BLOCK 1

BLOCK 2

N72°22'55"W
13.08m

N72°22'55"W
30.33m

N17°56'30"E
18.90m

N17°56'30"E
18.89m

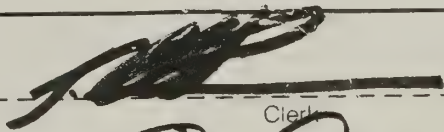
N18°00'50"E / 37.79m

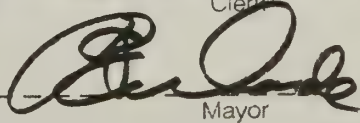
N72°22'50"W
30.33m

N72°22'50"W
13.08m

This is Schedule "A" to By-Law No. 03—267

Passed the 24th day of September, 2003


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-267
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend

Subject Property
261 Dundurn Street South



BLOCK 1 - Change in zoning from "G-3" (Public Parking Lots) District, Modified to "H" (Community Shopping and Commercial, Etc.) District, Modified



BLOCK 2 - Modification to the "H" (Community Shopping and Commercial, Etc.) District, provisions

North



Scale

NOT TO SCALE

Date

August 29, 2003

Reference File No.

ZAC-02-92

Drawn By

NB

CANON HBL
A08

B91

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001

Bill No. 268

City of Hamilton

BY-LAW No. 03-268

Respecting:

REMOVAL OF PART-LOT CONTROL

**WITHIN A PORTION OF,
"STONERIDGE", - REGISTERED PLAN 62M-983**

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 sec.50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, (sec.50 (7) states, in part, as follows:

- (7) **Designation of lands not subject to Part-Lot Control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities, namely The Corporation of the Town of Ancaster;

AND WHEREAS the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of permitting the sale of the following land into twenty-four (24) residential parcels for their development as street townhouse residential lots, described as Parts 1-16 (inclusive) and Parts 17-24 (inclusive) on Reference Plan 62R-16582 shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

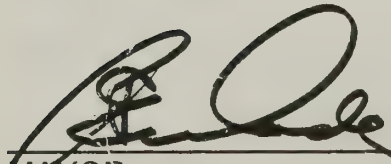
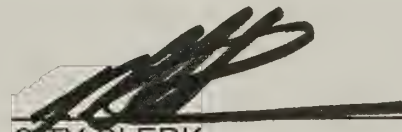
Part of Blocks 2 and 3, Registered Plan 62M-983, in the Former Town of Ancaster

2. Subsection 5 of Section 50 of the Planning Act, for the purpose of permitting the sale of the following land into twenty-four (24) residential parcels for their development as street townhouse residential lots, described as Parts 1-24 (inclusive) on Reference Plan 62R-16581 shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Part of Block 3 and all of Block 4, Registered Plan 62M-983, in the Former Town of Ancaster

3. This by-law shall be registered on title to the said land and shall come into force and effect on the date of such registration.
4. This By-law shall cease, expire and be of no further effect on September 24th, 2005.

PASSED AND ENACTED this 24th day of September, 2003.


MAYOR
CITY CLERK

CANON HBL
A08

B91

Authority: Item 5, Hearings Sub-Committee
Report 03-030 (PD03221)
CM: September 24, 2003

Bill No. 269

CITY OF HAMILTON

BY-LAW NO. 03-269

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 580 Fifty Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsection 6.2.7. of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Rural Residential "RR" Zone and the Neighbourhood Development "ND" Zone to the site-specific Single Residential "R1-14" Zone, the lands comprised of part of 580 Fifty Road, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.2.7., "Special Exemptions" of Section 6.2, Single Residential "R1" Zone, of Zoning By-law No. 3693-92, be amended by adding a new special exemption, "R1-14", as follows:

"R1-14 Part of 580 Fifty Road, Schedule "A", Map No. 4

Notwithstanding the provisions of paragraphs (a), (b), (c), (d), (e), (f) and (g) of Section 6.2.3 "Zone Regulations" of Zoning By-law 3692-92, on those lands zoned "R1-14" by this By-law, the following shall apply:

- | | | | |
|-----|-------------------------|---|--|
| (a) | Minimum Lot Area | | |
| | Interior Lot | - | 450 square metres |
| | Corner Lot | - | 480 square metres |
| (b) | Minimum Lot Frontage | | |
| | Interior Lot | - | 18 metres |
| | Corner Lot | - | 19 metres |
| (c) | Minimum Front Yard | - | 3 metres, except 5.8 metres to an attached garage or attached carport |
| | Maximum Front Yard | - | 4.5 metres, except 6.3 to an attached garage or attached carport |
| (d) | Minimum Side Yard | - | No part of any dwelling shall be located closer than 1.2 metres, except as provided in clauses (i), (ii) and (iii) below: |
| | (i) | | The minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.9 metres except for a side yard which abuts a flankage street; |
| | (ii) | | On an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be three 3 metres; and, |
| | (iii) | | On a corner lot, the side yard abutting the flankage street shall be a minimum of 3 metres, and a maximum of 4.5 metres except that an attached garage or attached carport shall not front on the flankage street. |
| (e) | Minimum Rear Yard | - | 7 metres |
| (f) | Maximum Building Height | - | 12.6 metres |
| (g) | Maximum Lot Coverage | - | None |

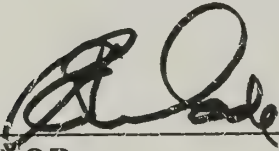
In addition to the regulations of Section 4.19 "Yard Encroachments", porches, including porch foundation walls, may project 1.5 metres into the required flankage yard.

Notwithstanding Section 4.13.1 "Special Setbacks – Daylight Triangles" and paragraphs (b) and (d) of Section 4.19.1 – "Yard Encroachments – General Application" the following provision shall apply:

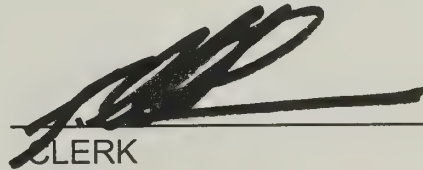
"Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2 metres for a building; 0.5 metres for a porch, including porch foundation walls; and, 0.0 metres for eaves or gutters."

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 24th day of September, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03— 269

Passed the 24th day of September, 2003

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 03-269
 to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

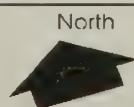
Legend



Subject Property
 580 Fifty Road



**Block 1 - change from the "ND" and
 "RR" Zone to the "R1-14" Zone**



North

Scale
NOT TO SCALE

Date
May 26, 2003

Reference File No.
ZAR-03-42

Drawn By
NM

CANTON HBL

A08

B91

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001

Bill No. 270

City of Hamilton

BY-LAW No. 03-270

Respecting:

REMOVAL OF PART LOT CONTROL

**WITHIN A PORTION OF
"HIGHLAND PARK ESTATES", PLAN 62M-623**

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 sec.50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, (sec.50 (7) states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities, namely The Corporation of the City of Stoney Creek;

AND WHEREAS the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

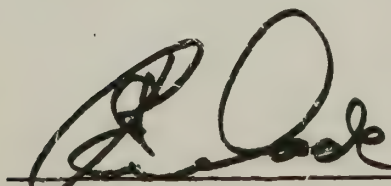
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating fourteen (14) street townhouse units, shall not apply to the following designated land:

Part of Block 127, Registered Plan Number 62M-623, Parts 1 to 6, inclusive, Plan 62R-14597 and Parts 1 to 8, inclusive, Plan 62R-16578 in the City of Hamilton (Stoney Creek).

2. This by-law shall be registered on title to the said land and shall come into force and effect on the date of such registration.
3. This By-law shall cease, expire and be of no further effect on September 30th, 2005.

PASSED and ENACTED this 24th day of September, A.D. 2003.


MAYOR


CLERK

CANON HBL

A08

391

Authority:

Item 1, Hearings Sub-Committee

Report: 03-023 (PD02201(b))

CM: June 25, 2003

Bill No. 271

CITY OF HAMILTON

BY-LAW NO. 03-271

To Adopt:

Official Plan Amendment No. 15 to the former Regional Municipality of Hamilton-Wentworth Official Plan;

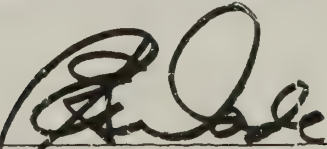
Respecting:

Correction of location errors in Regional Official Plan Amendment No. 12 (By-law 03-096)

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 15 to the Official Plan of the Regional Municipality of Hamilton-Wentworth Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.
3. By-law 03-206 is hereby repealed.

PASSED AND ENACTED this 24th day of September, 2003.



MAYOR



CLERK

Amendments

to the

Official Plan of the former Regional Municipality of Hamilton-Wentworth

The following text, attached hereto, constitutes Official Plan Amendment No. 15 to the Regional Municipality of Hamilton-Wentworth Official Plan.

1.0 Purpose:

The purpose of this Amendment is to change the description of the location of two (2) Environmentally Significant Areas (ESAs) in the Section titled "**Location:**", on page 3 of ROPA No.12 (By-law No. 03-096), to correctly identify the location of two (2) ESAs (No. 15 and No. 16), that were erroneously identified in the text on page 3 of the Amendment, only. No changes to the policies or mapping of Regional Official Plan Amendment No. 12 is required.

2.0 Location:

The lands subject to this Amendment are located within the following areas:

1. On lands identified as **Big Creek Headwaters Complex** located:
 - North of Governor's Road, South of Concession 2 West, East of Woodhill Road, West of Highway No.52.
2. On lands identified as **North Seneca Wetland** located:
 - North of Haldibrook Road, South of Chippewa Road West, East of Glancaster Road, and West of Highway No.6.

3.0 Basis:

The basis for permitting this proposed Amendment is that it will correct the location error of two (2) Environmentally Significant Areas that were wrongly identified in Regional Official Plan Amendment No.12 (By-law No. 03-096).

4.0 Actual Changes:

1. That the Section titled "**Location:**" in Regional Official Plan Amendment No. 12 be revised, by deleting the location of Environmentally Significant Area No. 15 identified as Big Creek Headwaters Complex on page 3, and replacing it with the following:

"15. On lands identified as **Big Creek Headwaters Complex** located:

- North of Governor's Road, South of Concession 2 West, East of Woodhill Road, and West of Highway No.52."

2. That the Section titled "**Location:**" in Regional Official Plan Amendment No. 12 be revised, by deleting the location of Environmentally Significant Area No. 16 identified as North Seneca Wetland on page 3, and replacing it with the following:

"16. On lands identified as **North Seneca Wetland** located:

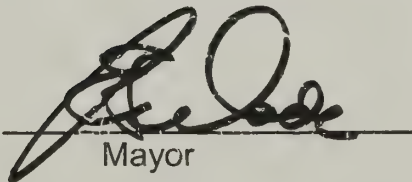
- North of Haldibrook Road, South of Chippewa Road West, East of Glancaster Road, and West of Highway No.6."

5.0 Implementation:

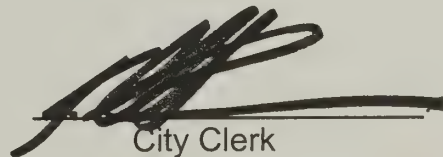
The provisions of Section D – Implementation, of the Official Plan for the former Regional Municipality of Hamilton-Wentworth, will give effect to the amendment.

This is Schedule "1" to By-law No.03-271 passed on the 24th day of September, 2003.

City of Hamilton



Mayor



City Clerk

CAH ON HBL
A08
B91

Authority: Item 1, Hearings Sub-Committee
Report 03-031
(FCS02125(a)/TOE02201(a))
CM: September 24, 2003

Bill No. 272

CITY OF HAMILTON

BY-LAW NO. 03-272

To Impose Fees and Charges Respecting the Use of the City of Hamilton Sanitary Sewage System and to Implement a Wastewater Abatement Program

WHEREAS pursuant to Section 391 of the Municipal Act, 2001, as amended, the City of Hamilton may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS By-law No. 2-75 was passed and enacted by the former Regional Municipality of Hamilton-Wentworth on January 21, 1975, being a by-law to impose and collect a sanitary surcharge on the water rate to cover the cost of the establishment, construction, maintenance, operation and financing of the sanitary sewage system of the former Regional Municipality of Hamilton-Wentworth, and has been amended on numerous occasions;

AND WHEREAS at its meeting on December 11, 2002, the Council of the City of Hamilton approved of Item 7 of Hearings Sub-Committee Report 02-040 and thereby authorized a wastewater abatement program commencing on January 1, 2003;

AND WHEREAS at its meeting of September 24, 2003, the Council of the City of Hamilton approved of Item 1 of Hearings Subcommittee Report 03-031 and thereby authorized this consolidated by-law to impose fees and charges consisting of a sanitary surcharge on the water rate, and to thereby repeal By-law No. 2-75; as amended, as well as to implement the wastewater abatement program and impose administration fees and charges related to the wastewater abatement program;

AND WHEREAS a public meeting was held on September 24, 2003 and prior to the passing of this by-law, in accordance with the provisions of Ontario Regulation 244/02 made under the Municipal Act, 2001.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Definitions

1. In this By-law,

- (a) "Abatement" means a credit on the Sanitary Surcharge amount paid by the Consumer, as approved by the City under the wastewater abatement program described in this By-law;
- (b) "Annual Administration Fee" has the meaning assigned in sub-section 22(b) of this By-law;
- (c) "Application" has the meaning assigned in section 10 of this By-law;
- (d) "City" means the City of Hamilton;
- (e) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (f) "Commercial" means of or pertaining to retail and wholesale sales of manufactured goods and/or services;
- (g) "Consumer" means either a Commercial or Industrial ratepayer who is responsible under the Waterworks By-law and this By-law for paying fees and charges respecting water supplied by the City of Hamilton and wastewater services provided by the City of Hamilton;
- (h) "Director" shall mean the Director of Water and Wastewater, Public Works Department, for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;

- (i) "General Manager of Corporate Services" means the General Manager of the Corporate Services Department for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;
- (j) "General Manager of Public Works" means the General Manager of the Public Works Department for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;
- (k) "Industrial" means of or pertaining to the manufacturing, producing or processing of anything, or the research or development in connection with the manufacturing, producing or processing of anything;
- (l) "Initial Application Processing Fee" has the meaning assigned in section 10 of this By-law;
- (m) "sanitary sewage system" means,
 - (i) the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines and installations, and other works designated for the collection and treatment of sanitary sewage by the City, and
 - (ii) includes lands appropriated for such purposes and uses;
- (n) "sanitary sewage works" means,
 - (i) all sanitary sewers, sanitary sewer systems, pumping stations, sewage treatment plants, and
 - (ii) includes combined sewers, sanitary private drains and other works for the collection, acceptance, transmission, treatment and disposal of sanitary sewage;

- (o) "Sanitary Surcharge" means a charge payable by owners or occupants of lands who are connected to the sanitary sewage systems of the City in respect of the following matters:
- (i) the cost of the operation and maintenance of the sanitary sewage works and includes a charge for deferred maintenance or a reserve fund for any purpose; and
 - (ii) the capital cost of sanitary sewage works which includes debt charges but does not include,
 - 1. any existing frontage and connection charges imposed upon the owners or occupants of lands, other than the City, under any provision of any other City by-law, and
 - 2. the cost of new local sanitary sewers up to and including 18" diameter, and of private drains which are to be charged against the owners or occupants of lands, other than the City, under any provision of any other City by-law;
- (p) "Sewer Use By-law" means By-law R89-049 of the City of Hamilton, as amended or replaced from time to time;
- (q) "Supplementary Application Fee" has the meaning assigned in section 11 of this By-law;
- (r) "water rate" means the fees and charges established by the City of Hamilton under By-law R84-026, as amended or replaced from time to time; and
- (s) "Waterworks By-law" means By-law R84-026 of the City of Hamilton, as amended or replaced from time to time.

Administration and Enforcement of Fees and Charges

2. (a) The General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, is responsible, except as otherwise provided in this By-law, for the billing and collection of the fees and charges imposed under the provisions of this By-law.
- (b) The Director is to furnish to the General Manager of Corporate Services quarter-yearly in January, April, July and October, not later than the 10th day of each of the said months, with a list of all streets and parts of streets and other places where yard sewers and private drains have been connected to a City sanitary sewer or combined sewer during the immediately preceding three (3) calendar months.

Sanitary Surcharge

3. The owners and occupants of all lands within the geographic area of the City who are connected to the sanitary sewage systems of the City are liable to pay fees and charges in accordance with the provisions of this By-law, consisting of a Sanitary Surcharge, based on the percentage of the water rates of the City as set forth in Schedule "A" to this By-law.

Liability for Surcharge based Non-Metered Water Rates

4. Where there is a non-metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the Sanitary Surcharge shall be calculated based on the percentage as set forth in Schedule "A" to this By-law, of that non-metered water rate whether that rate is derived from an assessment base or is a flat rate.

Liability for Surcharge Based on Metered Water Rates

5. (a) Where there is a metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the Sanitary Surcharge shall be calculated based on the percentage as set forth in Schedule "A" to this By-law, of that metered water rate.
- (b) The Sanitary Surcharge determined under section 4 and sub-section 5(a) of this By-law is to be added to the same bills sent to an owner and/or occupant of lands for metered or non-metered water, as applicable, under the Waterworks By-law.
- (c) Where a water meter fails to record properly, or where the meter-reader is unable to obtain a reading, the person or persons liable to pay the Sanitary Surcharge based on metered water rates are liable to pay such Sanitary Surcharge on the water rate for an amount of water estimated on the basis of a corresponding period in the immediately preceding year, or, where the water user did not occupy the same property for the same period during the corresponding period in the previous year, then such person or persons are liable to pay such Sanitary Surcharge on the water rate for an amount of water based on a similar period of the current year, or, where that is not applicable, then the person or persons are liable for such Sanitary Surcharge based on the applicable minimum charge for water imposed by the City under the Waterworks By-law. Should the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property and the person or persons shall be liable for the resulting adjusted Sanitary Surcharge.

Unpaid Accounts

6. Effective October 2, 2002, late payment charges for any overdue Sanitary Surcharge accounts will be at the rate of 1.5% per month calculated daily on any overdue balance.
7. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid
 - (a) seven (7) calendar days after the due date set forth on the bill for the Sanitary Surcharge, a notice of non-payment is to be sent by the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, by ordinary prepaid mail, and
 - (b) twenty-eight (28) calendar days after the due date set forth on the bill for the Sanitary Surcharge, a final verbal notice is to be given by the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, advising that if the account continues unpaid for ninety (90) calendar days after the original due date set forth on the bill for the Sanitary Surcharge,
 - (i) the water may be turned off as set forth in sub-section 8 (a) of this By-law, or
 - (ii) the arrears may be collected by a distress as set forth in sub-section 8 (b) of this By-law, or
 - (iii) the arrears may be added to the tax roll for the property connected to the sanitary sewage systems of the City and collected in the same manner as municipal taxes as set forth in sub-section 8(c) of this By-law.

8. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid, the City may proceed in any or all of the following ways:
- (a) The General Manager of Corporate Services may notify the General Manager of Public Works of any bill remaining in arrears ninety (90) calendar days after the due date set forth on the bill for the Sanitary Surcharge, and upon receipt of such notification the General Manager of Public Works may cause the water to be shut off and not turned on again until payment is made of the outstanding bill for the Sanitary Surcharge based on metered or non-metered water rates, plus a fee for turning on the water in the amount set forth in the Waterworks By-law;
 - (b) Accounts in arrears for a Sanitary Surcharge based on metered or non-metered water rates may be collected by distress upon the goods and chattels of the person or persons who is or are liable to pay the same, or upon any goods and chattels in the possession of such person or persons, wherever the same may be found in Ontario; or
 - (c) the arrears of all accounts for the Sanitary Surcharge based on metered or non-metered water rates which remain unpaid ninety (90) calendar days after the due date set forth on the bill for the Sanitary Surcharge, may be entered on the tax roll for the property connected to the sanitary sewage systems of the City and collected in the same manner as municipal taxes, and are subject to the same interest and penalties as for taxes. Within ten (10) calendar days after such action has been taken, a written notice to that effect is to be sent by ordinary prepaid mail by the General Manager of Corporate Services, or on his behalf, to the owner of the property as set forth in the last revised assessment roll.

9. The owner or occupant of lands within the City:

(a) which are connected to the City sanitary sewage system, but

(b) which are not connected to the City's waterworks system,

are to pay a Sanitary Surcharge as set forth in Schedule "A" attached to this By-law, that is based on one (1) cubic metre (m³) per day, and are to be invoiced for payment either monthly or bi-monthly by the General Manager of Corporate Services or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton.

Wastewater Abatement Program

10. A Consumer may apply for an Abatement for a property by firstly submitting to the Director an application in the form provided by the City (hereinafter referred to as the "Application"), together with the non-refundable initial application processing fee set out in Schedule "B" attached to this By-law (hereinafter referred to as the "Initial Application Processing Fee"). Based on the information contained in the Application, the Director will determine whether or not the Consumer appears to qualify for an Abatement in accordance with the provisions of this By-law and will then advise the Consumer whether or not the Consumer may proceed to the second stage of the qualification process.

11. Should the Director determine that the Consumer may proceed to the second stage of the qualification process as set out in section 10 of this By-law, the Director will advise the Consumer as to the fee required to complete the second stage of the qualification process (hereinafter referred to as the "Supplementary Application Fee"). The Supplementary Application Fee represents on a full cost-recovery basis the costs associated with a peer review to be conducted by the City or its consultant, or both, of the Consumer's engineering report noted below in order to determine if the Consumer will actually qualify for an Abatement. Therefore prior to the final authorization of an Abatement as set out in section 12 of this By-law, the Consumer shall, at its

sole expense, submit to the Director no later than six (6) months from the date that the Director advises the Consumer it may proceed to the second stage of the qualification process, the Supplementary Application Fee as well as a detailed engineering report either certified by an independent licensed professional engineer approved by the City, or certified by a licensed professional engineer and verified by an independent licensed professional engineer approved by the City, which report at a minimum must contain the following information with respect to the previous calendar year:

- (a) water consuming processes/products;
- (b) wastewater volumes not discharged to the City's sanitary sewer and combined sewer systems;
- (c) a certification of the water balance for the Consumer's account, which shall cover a minimum period of five (5) calendar days over a minimum of three (3) separate occasions and shall include at least one balance showing seasonal variation, including activities such as shutdowns;
- (d) sewer flow monitoring (if required by the Director);
- (e) data on the quality of wastewater discharge to the City's sanitary sewer and combined sewer systems, where available;
- (f) water billings by the City;
- (g) quantity of products produced by the Consumer;
- (h) seasonal variations; and
- (i) other related information as required by the Director.

12. No Consumer shall be entitled to an Abatement until such Abatement is authorized by the Director and the General Manager of Corporate Services in accordance with this By-law. However, once authorized, subject to sections 16 and 17 of this By-law, the Consumer shall be entitled to an Abatement

retroactive from January 1st of the calendar year of application. The Abatement will be credited by the City on a quarterly basis on the same bill sent to an owner or occupant of lands, or both, for metered or non-metered water, as applicable, under the Waterworks By-law.

13. To qualify for an Abatement, the volume of wastewater discharged by a Consumer from its property to the City's sanitary sewer and combined sewer systems in a calendar year must be at least 25% less than the measured volume of all water supplied to the property from all sources, including but not limited to water supplied by the City.
14. For the purposes of calculating the volume of wastewater discharged by a Consumer as set out in section 13 of this By-law, the amount of water or wastewater that is discharged to a storm sewer which is routed to a City wastewater treatment plant for treatment shall be deemed to be discharged to the City's sanitary sewer and combined sewer systems.
15. No Consumer is entitled to an Abatement on the Sanitary Surcharge solely because the Consumer's property is exempt under the *Assessment Act*, R.S.O. 1990, Chapter A.31, as amended or replaced from time to time.
16. No Consumer is entitled to an Abatement on the Sanitary Surcharge where the Consumer's wastewater discharge is not in compliance with the City's Sewer Use By-law. Any Abatement authorized in accordance with this By-law will only be applied from the date that the Consumer's wastewater discharge comes into compliance with the City's Sewer Use By-law, in the sole opinion of the Director. Further any Abatement authorized in accordance with this By-law will automatically terminate should the Consumer's wastewater discharge subsequently become not in compliance with the City's Sewer Use By-law until such date that the Consumer's wastewater discharge comes into compliance with the City's Sewer Use By-law, in the sole opinion of the Director.
17. No Consumer who is in arrears to the City with regard to payments for any water supplied by the City, municipal property taxes, Sanitary Surcharge or

other fees and charges for the consumption of City water or the use of the City's sanitary sewer and/or combined sewer systems, including but not limited to any fees and charges imposed under the Sewer Use By-law, shall be entitled to any Abatement as long as such arrears remain outstanding. Any Abatement authorized in accordance with this By-law will only be applied from the date that the Consumer's arrears have been paid in full. Further any Abatement authorized in accordance with this By-law will automatically terminate should the Consumer subsequently become in arrears to the City with regard to any of the matters noted above until such date that the Consumer's arrears have been paid in full.

18. That the Abatement for authorized Consumers shall be no more than 75% of the calculated Sanitary Surcharge for the property for the applicable calendar year.
19. That the Abatement for a Consumer at a property with less than 100% of its wastewater diverted from the City's sanitary/combined sewer system, be calculated with an add-back adjustment of 33.33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration.
20. That the Abatement for authorized Consumers be phased in at 33.33% of the maximum permitted Abatement in 2003, 66.66% of the maximum permitted Abatement in 2004 and 100% of the maximum permitted Abatement in 2005, and as more particularly set out in Schedule "B" to this By-law. The City reserves the right to discontinue or continue the wastewater abatement program and associated Abatement at any time and for any reason whatsoever.
21. The Consumer shall permit the City and its representatives to conduct an inspection of the Consumer's property, at any reasonable time, to verify any and all information in relation to the Application submitted by the Consumer prior to any decision to authorize the Abatement and while any authorization to provide an Abatement to the Consumer is in effect.

22. Where a Consumer has been authorized to receive an Abatement for a property in accordance with section 12 of this By-law, the Consumer shall continue to receive an Abatement in accordance with this By-law provided that, in addition to any other requirements contained in this By-law:
- (a) in each of the next three (3) subsequent calendar years after the year in which the authorization of the Abatement has been given, the Consumer submits to the Director, in a form and content satisfactory to the Director, verification that the flow differential between the Consumer's wastewater discharged to the City's sanitary sewer and combined sewer systems and the amount of the water supplied by the City to the Consumer for the previous calendar year continues to meet the requirements set out in this By-law, by no later than the 1st day of February of each calendar year.
 - (b) where the amount of the authorized Abatement to a Consumer in a particular calendar year is calculated to be in excess of five hundred dollars (\$500.00), or the actual Abatement provided to the Consumer in a particular calendar year is in excess of five hundred dollars (\$500.00), the Consumer pays the annual administration fee set forth in Schedule "B" to this By-law (hereinafter referred to as the "Annual Administrative Fee"). In such circumstances, the Annual Administration Fee shall be invoiced to and paid by the Consumer in quarterly installments on the same bills sent to the Consumer respecting the Abatement credit. However, where it is not known until after the first quarter of a particular calendar year that the actual Abatement for a Consumer will be in excess of five hundred dollars (\$500.00), the Annual Administration Fee shall be invoiced to and paid by the Consumer over the remaining quarters in the calendar year; and
 - (c) the Consumer immediately notifies the Director of any change in the amount of the flow differential between the Consumer's wastewater discharge and the amount of water supplied to the property from all sources, including but not limited to water supplied by the City, provided

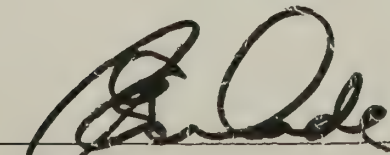
that the Consumer continues to meet all of the requirements for an Abatement as set out in this By-law. Should the change cause the Consumer to no longer meet all of the requirements for an Abatement as set out in this By-law, the Abatement will automatically terminate.

23. Any failure by a Consumer authorized to receive an Abatement to comply with the requirements set out in section 22 of this By-law shall entitle the Director and the General Manager of Corporate Services to revoke or suspend any Abatement authorized for the Consumer pursuant to this By-law, and to require the Consumer to pay the full Sanitary Surcharge from the date of such revocation or suspension.
24. An Abatement authorized in accordance with this By-law will automatically terminate upon the changing of the owner or occupant of the property and the new owner or occupant will be required to re-apply for an Abatement in accordance with the provisions of this By-law, including but not limited to the payment of all fees, unless in the opinion of the Director and the General Manager of Corporate Services, the circumstances require otherwise.
25. Should the Director and the General Manager of Corporate Services determine at any time that the Consumer no longer meets all of the requirements for an Abatement as set out in this By-law, the Director and the General Manager of Corporate Services shall be entitled to revoke the Abatement.
26. An Abatement authorized in accordance with section 12 of this By-law automatically expires five (5) years from the date the authorized Abatement comes into effect, unless otherwise terminated, revoked or suspended in accordance with this By-law. To determine eligibility to continue to receive an Abatement, a Consumer must re-apply for an Abatement in accordance with the provisions of this By-law, including but not limited to sections 10 and 11 of this By-law. The provisions of this By-law shall apply to the re-application as though the Consumer were applying for the first time for an Abatement, except that the Consumer will only have to pay the Supplementary Application Fee and not the Initial Application Processing Fee.

General

27. The fees and charges imposed in this By-law shall constitute a debt of the person to the City of Hamilton and if the debt, or any portion thereof, remains unpaid after the due date established in this By-law, the unpaid amount may be added to the tax roll for the person's property in the City of Hamilton connected to the City's sanitary sewer or combined sewer system and collected in a like manner as municipal taxes, including but not limited to the same interest and penalties as for municipal taxes.
28. If a court of competent jurisdiction declares a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and the remainder shall survive and be applied and be enforced in accordance with its terms to the extent possible under the law.
29. Schedules "A" and "B" attached hereto form part of this By-law and shall have the same force and effect as if the provisions contained therein were contained in the body of this By-law.
30. That By-law No. 2-75, as amended, is hereby repealed.
31. This By-law may be known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law".
32. This By-law shall come into force and effect on the date of its passing and enactment except that section 6 shall be deemed to have come into force and effect on October 2, 2002.

PASSED and ENACTED this 24th day of September, 2003.



MAYOR

CITY CLERK

SCHEDULE "A"Sanitary Surcharge

The Sanitary Surcharge is calculated as 100% of the gross amount of the monthly or bimonthly metered water or non-metered water rate.

SCHEDULE "B"

Wastewater Abatement Program

- | | | | |
|----|-----|--|---|
| 1. | (a) | Initial Application Processing Fee
(section 10) | \$100.00 plus applicable
taxes |
| | (b) | Supplementary Application Fee
(section 11) | \$300.00 plus applicable
taxes and Full Cost
Recovery for peer review |
| | (c) | Annual Administration Fee (where
annual Abatement exceeds \$500.00
-sub-section 22(b)) | \$400.00 plus applicable
taxes |

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water Supplied to the Property from all sources
 B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)
 C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)
 D = Infiltration and Inflow Add Back (D = C X 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)
 E% = Wastewater Abatement in Percentage (**before** phase-in)
 F% = Wastewater Abatement in Percentage (**after** phase-in)

Step 1: A – B = C
 Step 2: D = C X 133%
 Step 3: E% = $\frac{(A - D)}{A} \times 100$
 Step 4: F% = E% X 33.3% (phase-in for 2003)
 F% = E% X 66.6% (phase-in for 2004)
 F% = E% X 100% (phase-in for 2005)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003, is \$0.669 per cubic metre of water; for 2004 and 2005, will be in accordance with the water and Sanitary Surcharge rates annually determined by City Council)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

C4 ON HBL
AD 8
B91

Authority: Item 2, Committee of the Whole
Report 03-020 (CM03014a)
CM: July 23, 2003

Bill No. 273

CITY OF HAMILTON

BY-LAW NO. 03-273

To Provide for Road Closings, Restrictions Upon Traffic Upon City Roads and Highways and other Critical Matters in Connection with the 2003 Road World Cycling Championship

WHEREAS Hamilton 2003 Cycling Championships, a corporation under the *Canada Corporations Act*, and the International Cycling Union propose to hold the 2003 Road World Cycling Championships in the City during October 2003;

AND WHEREAS section 35 of the *Municipal Act, 2003* empowers the City to pass by-laws removing or restricting the common law right of passage by the public and the common law right of access to the highway by an owner of land abutting the highway, and section 42 of that Act empowers the Council to delegate certain authority in connection therewith to designated employees of the City;

AND WHEREAS a series of public meetings have been held with residents of affected areas of the City to discuss the impact of the race and the road closures required in connection therewith;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Interpretation

1.1 In this By-law,

- (a) "City" means the City of Hamilton;
- (b) "Chief of Police" means the Chief of Police of the City;

- (c) "Corporation" means Hamilton 2003 Cycling Championships, or any successor or assign thereof;
- (d) "Course" means any of the Road Race Course, Short Time Trial Course or Long Time Trial Course;
- (e) "Event" means, the 2003 Road World Cycling Championship to be held during the period Monday, October 6 to Sunday, October 12 (inclusive), including the associated Short Time Trial, Long Time Trial, and all other associated incidental events in connection therewith;
- (f) "General Manager of Emergency Services" means the City's General Manager of Emergency Services;
- (g) "General Manager of Public Works" means the City's General Manager of Emergency Services;
- (h) "International Cycling Union" means the organization commonly known as *Union Cycliste Internationale*-International Cycling Union, and having its principal place of business at CH 1860 Aigle, Switzerland
- (i) "Race Officer" includes,
 - (i) any police officer, and
 - (ii) any other person designated as a race officer by the Chief of Police;
- (j) "Road" means any common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (k) "Road Race Course" has the meaning specified in clause 2.2(a) and Road Race means any portion of the Event being held on that Course;
- (l) "Long Time Trial Course" has the meaning specified in clause 2.2(b) and Long Time Trial means any portion of the Event being held on that Course; and
- (m) "Short Time Trial Course" has the meaning specified in clause 2.2(c) and Short Time Trial means any portion of the Event being held on that Course.

1.2 In this By-law,

- (a) a word importing the masculine, feminine or neuter gender only includes members of the other genders;
- (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefor or amendment thereof;
- (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;
- (e) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings;
- (f) any date specified shall be a date in 2003, and all times refer to local time in the City on each date concerned; and
- (g) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

2. Road Closure

2.1 Each of the Roads described in Schedule "A" shall be closed for the holding of the Event during those hours and on those days specified in that Schedule, on the following dates and during the following times:

- (a) from 9:00 AM to 1:00 PM on Monday, October 6;
- (b) from 10:00 AM until 5:00 PM on Tuesday, October 7;
- (c) from 10:30 AM to 5:00 PM on Wednesday, October 8;
- (d) from 9:30 AM to 5:00 PM on Thursday, October 9;

- (e) from 8:00 AM to 5:45 PM on Friday, October 10;
- (f) from 8:00 AM to 5:30 PM on Saturday, October 11; and
- (g) from 8:00 AM to 4:45 PM on Sunday, October 12.

2.2 During the period commencing at 6:00 PM on Sunday, October 5 and terminating at 6:00 AM on Monday, October 13, the use and access of any road (including access to and from any such road) within 4 kilometers of each of those area on any of dates specified in section 2.1 shall be subject to such directions, restrictions or prohibitions as may be approved by the General Manager of Public Works, Chief of Police and General Manager of Emergency Services or any of them, at any time and from time to time, as being necessary or advisable in the interests of public safety, the protection of property, the successful holding of the Event or the orderly movement of traffic around the City, including any one or combination of the following with respect to any or all roads so indicated, and for greater certainty the authority hereby delegated shall be deemed to include the authority to:

- (a) prohibit private vehicular or pedestrian traffic;
- (b) redirect traffic;
- (c) create temporary one-way streets, or the temporary conversion of one-way streets to two-way streets;
- (d) close lanes or restrict lanes to race participants or to the holders of approved passes issued by the General Manager of Public Works;
- (d) prohibit parking, stopping or waiting of vehicles;
- (e) restrict roads to public transport;
- (f) prohibit or restrict commercial transport vehicles;
- (g) restrict or prohibit turns, lower speed limits, place temporary signals or regulatory signs, or temporarily remove any signals or signs, or prohibit pedestrian or bicycle traffic,
- (h) take such other steps or measures as may appear expedient in the circumstances;

- (i) in connection with any of the foregoing, cover such traffic signs and parking meters as may be necessary or advisable in their discretion;

and the General Manager of Public Works shall post such signs as may be necessary for such purposes in accordance with the *Highway Traffic Act* or the regulations thereunder, and the posting of such a sign shall be conclusive evidence that the General Manager of Public Works, Chief of Police and General Manager of Emergency Services, as the case may be, has approved the direction, restriction or prohibition to which it relates.

2.3 Subject to the terms and conditions set out in this By-law, permission is hereby given to the Corporation to hold the Event on the following courses:

- (a) the Road Race Course, comprising the following 12.4 kilometer circuit:
 - (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
 - (ii) from there south along that portion of Queen Street until Beckett Drive;
 - (iii) from there up the escarpment face of the Mountain until Garth Street,
 - (iv) from there, south along Garth Street until Fennell Avenue;
 - (vi) from there, east along Fennell Avenue until Upper James Street,
 - (vii) from there north along Upper James Street, until the Claremont Access,
 - (viii) from there, east along the Claremont Access until Victoria Avenue South,
 - (viii) from there, north along Victoria Avenue South until Main Street East,
 - (ix) from there west along Main Street East until Wellington Street,
 - (x) from there, south along Wellington Street South until the access ramp of the Claremont Access

- (xi) from there, onto that access ramp, and then up the Claremont Access;
 - (xii) from there, West along the West 5th By-pass to West 5th Avenue;
 - (xiii) from there north onto James Mountain Road;
 - (xiv) from there north along James Mountain Road to James Street South;
 - (xv) from there north along James Street South until Main Street, then turning west to complete the circuit;
- (b) the Long Time Trial Course, comprising the 20.8 kilometer circuit:
- (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
 - (ii) from there south along that portion of Queen Street until Beckett Drive;
 - (iii) from there up the escarpment face of the Mountain until Garth Street,
 - (iv) from there, south along Garth Street until the intersection of Garth Street, Fennell Avenue and Scenic Drive;
 - (v) from there west and then south along Scenic Drive until Mohawk road, following the layout of that road;
 - (vi) from there east along Mohawk Road until Garth Street,
 - (vii) from there, north along Garth Street until Fennell Avenue;
 - (viii) from there, east along Fennell Avenue until Upper James Street,
 - (ix) from there north along Upper James Street, until the Claremont Access,
 - (x) from there, east along the Claremont Access until Victoria Avenue South,

- (xi) from there, north along Victoria Avenue South until Main Street East,
 - (xii) from there west along Main Street East until Wellington Street,
 - (xiii) from there, south along Wellington Street South until the access ramp of the Claremont Access
 - (xiv) from there, onto that access ramp, and then up the Claremont Access;
 - (xv) from there, west along the West 5th By-pass to West 5th Avenue;
 - (xvi) from there, north onto James Mountain Road;
 - (xvii) from there north along James Mountain Road to James Street South;
 - (xviii) from there north along James Street South until Main Street, then turning west to complete the circuit.
- (c) the Short Time Trial Course, comprising that 15.4 kilometer circuit:
- (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
 - (ii) from there south along that portion of Queen Street until Beckett Drive;
 - (iii) from there up the escarpment face of the Mountain until Garth Street,
 - (iv) from there, south along Garth Street until the intersection of Garth Street, Fennell Avenue and Scenic Drive;
 - (v) from there west and then south along Scenic Drive until Mohawk road, following the layout of that road;
 - (vi) from there east along Mohawk Road until Garth Street,
 - (vii) from there, north along Garth Street until Fennell Avenue;
 - (viii) from there, east along Fennell Avenue until West 5th Street,

- (ix) from there north along West 5th Street, until the James Mountain Road
- (x) from there north along James Mountain Road to James Street South;
- (xi) from there north along James Street South until Main Street, then turning west to complete the circuit.

3. Restriction on Use of Roads

- 3.1 No person or vehicle shall cross a Course during the times specified for the holding of the Event on that Course, except when permitted by a Race Official.
- 3.2 Every pedestrian and driver of a vehicle who crosses the Race Course, Long Time Trial Course or Short Time Trial Course while one of the Event is being held on that Course shall comply with such directions as may be given by a Race Official.
- 3.3 No person shall enter or remain on any part of a Course at any time so as to interfere with any participant in the Event that is taking place on the Course, or so as to otherwise interfere with the holding of any part of the Event on that Course.

4. Race Officials may Give Directions and Course Protocol

- 4.1 Every pedestrian and driver of a vehicle who crosses the Race Course, Long Time Trial Course or Short Time Trial Course while one of the Event is being held on that course shall comply with such directions as may be given by a Race Official.
- 4.2 The Corporation, the International Cycling Union, all Race Officials and all persons participating as contestants in the Event or any part thereof shall comply with the Course Closure Protocol attached as Schedule "C".

5. Conditions

- 5.1. All closures and restrictions upon the use of any Road as provided in this By-law shall be subject to the conditions set out in this By-law and to such additional specific conditions not inconsistent with this By-law as may be specified from time

to time by the Police Chief, General Manager of Emergency Services or General Manager of Public Works

5.2 The satisfaction of the conditions set out in this By-law or otherwise applicable with respect to the Event shall be evidenced conclusively by the issue of a Permit to Hold the Event by the General Manager of Public Works.

5.3 No permit shall be issued under section 5.2 with respect to the Event unless and until the Corporation has furnished proof to the reasonable satisfaction of the Manager of Risk Management Services that all of the following insurance is in effect with respect to the Corporation:

- (a) commercial general liability insurance, including but not limited to bodily and personal injury liability, property damage, and blanket contractual liability, and each policy shall by its wording or endorsement,
 - (i) have an inclusive limit of not less than \$10,000,000 per occurrence or such greater amount as the City may from time to time request, for claims involving personal injury or property damage,
 - (ii) insure the Corporation, including its directors, officers, committee members, employees, officials and volunteers and agents, while acting within the scope of their authority on behalf of the Corporation;
 - (iii) provide for a deductible amount of no more than \$10,000;
 - (iv) include the City as an additional insured, to the extent of the Corporation's obligations to the City under this By-law and the Agreement contemplated in section 5.4,
 - (v) contain cross liability and severability of interest provisions;
 - (vi) extend to insurance against loss of, or damage to, property owned by the City or by others, where that property is in the possession, control or guard of the Corporation,
 - (vii) in addition to all other standard coverage included in such a policy, include within its scope or the scope of a suitable rider, coverage in respect of public liability for personal injury, death,

property damage and loss arising directly or indirectly by reason of the holding of either of the Event, including but not limited to parking, sale of food, beverages and souvenirs, product liability, liquor liability, completed operations liability and advertising liability;

- (b) a directors and officers liability policy having a limit of at least \$1,000,000 per claim, which coverage shall remain in effect until October 31, 2004;
- (c) a special commercial event liability policy with an inclusive limit of not less than \$10,000,000 per claim or such greater amount as the City may from time to time request, including but not limited to bodily and personal injury liability, property damage, blanket contractual liability, contingent employers liability coverage, incidental medical malpractice liability, completed operations liability, product liability, advertising liability, spectators' liability, and each policy shall by its wording or endorsement, satisfying the requirements of paragraphs (a)(ii) through (viii) inclusive, and shall not contain an exclusion for bleacher stands, overhead walkways or bridges;
- (d) standard form automobile liability insurance with an inclusive limit of not less than \$5,000,000 per claim or such greater amount as the City may from time to time request, in respect of the use or operation of vehicles owned or leased by the Corporation for the provision of services; and
- (e) non-owned vehicle liability coverage in standard form with an inclusive limit of not less than \$5,000,000 per claim or such greater amount as the City may from time to time request, in respect of the use or operation of vehicles that are not owned by the Corporation.

5.4 No permit shall be issued under section 5.2 unless and until the Corporation has entered into an enabling agreement in a form and on terms satisfactory to the City Solicitor

- (a) providing reasonable protection for the interests and reputation of the City, and the welfare of its inhabitants;
- (b) indemnifying the City, its elected officials, officers and employees from and against any action, claim, damage, or loss whatsoever which may be

sustained by any of the foregoing, or to which any of them may be exposed, by reason of the holding of any or all of the Event, or that arise from closing of any road, or the restriction of any traffic on any road, under this By-law; and

- (c) dealing with such other matters as may be considered necessary or expedient as to protect the City and its residents.

5.5 The Corporation shall comply with a claims protocol in a form and on terms satisfactory to the City's Manager of Risk Management, which details the manner in which all claims are to be dealt with by the Corporation, that are made with respect to the Event or any part thereof, or that touch or concern any interest of the City.

6. Road Closing and Signage

6.1 All temporary closings or restrictions contemplated under this By-law shall be carried out by the Corporation and at its expense but,

- (a) in accordance with the applicable standards contained in *Ontario Traffic Manual* Books 5, 6 and 7, the *Canadian Manual on Uniform Traffic Control*, and the *Occupational Health and Safety Act*, or
- (b) as otherwise may be directed by the General Manager of Public Works from time to time and at any time,

and the Corporation shall not in advance or during the Event erect any traffic or parking signs upon or adjacent to the highway without the prior approval of that General Manager.

6.2 Despite subsection 6.1, the General Manager of Public Works shall not be under any duty to the Corporation or to any other person to superintend or correct any work carried out by the Corporation under subsection 6.1 or any other provision of this By-law, nor shall the City or the General Manager of Public Works be liable to any person for any deficiency in that work.

7. Notification

The Corporation shall cause notice to be published of all Roads affected or potentially affected by the Event, at least twice, the first such notice to be published no less than 30

and no more than 45 days prior to the first day of the Event in question, and the second to be published no less than 7 nor more than 15 days prior to the first day of that Event.

8. Consent of Participants

No later than 7 days prior to the first day of the Event, the Corporation shall obtain from each participant and provide to the City (in a form satisfactory to the City Solicitor) a release, waiver and indemnity in favor of the City from any and all claims resulting from the Event.

9. Alternative Route of Access

No owner or resident of property adjacent to a Road closed to vehicular traffic by or under this By-law shall be denied access by foot to their property, and the Corporation shall take all reasonable action required to ensure the safety of and minimize interference with owners and residents of such properties, and their licensees.

10. Pedestrian Access Ways

The Corporation shall provide and maintain within the portion of any Road closed to vehicular traffic a reasonable temporary route satisfactory to the General Manager of Public Works sufficient to allow all property owners and residents to obtain pedestrian access to their property.

11. Resident Parking

11.1 Permit parking restrictions in accordance with this section shall apply where parking is allowed on streets within the boundaries defined in schedule "P" during the Event, and the provisions of this section shall be deemed to amend the City Parking By-law 218-01 accordingly, and notice that such restrictions are in effect shall be provided in the manner specified in that by-law or under the Regulations under the *Highway Traffic Act*.

11.2 The rules set out in schedule "B" are approved and shall apply with respect to the permit parking restrictions.

11.3 Special event parking permits shall be issued to area residents in accordance with the rules set out in Schedule "B".

11.4 The City's General Manager of Planning and Development may promulgate such parking restrictions as she considers necessary or advisable in order to

give effect to the intent of this section and may post notices advising the public of those restrictions, and except to the extent that any such restriction is inconsistent with this By-law, that restriction shall be valid and effective as if incorporated expressly in this By-law, and any breach of that restriction occurring during the periods 12:01 AM on October 6 until 11:59 PM on October 12 shall be deemed to be a contravention of this By-law.

12. Other Requirements

- 12.1 The Corporation shall comply with such other conditions that may be specified in writing as a condition of approval and such additional conditions that may be required in writing or verbally by the General Manager of Public Works, the Chief of Police or General Manager of Emergency Services, whether imposed before or during the Event.
- 12.2 Closings and restrictions shall be carried out or effected in a proper workmanlike manner, with all reasonable precautions and safety measures being taken for the protection of public and private safety and property, including maintenance of all necessary warning lights and watchmen, all under the direction and to the satisfaction of the General Manager of Public Works, the Chief of Police and the General Manager of Emergency Services
- 12.3 During the holding of the Event, the Corporation shall use reasonable diligence to minimize interference by spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the Event with fire hydrants, access/egress ramps, snow and garbage removal, and the installation, maintenance, or repair to any plant or equipment of, the City or any utility in the vicinity of any Road on which the Event is being held.
- 12.4 During the temporary or partial closing of a road, the Corporation shall use only the permitted part(s) of the road in accordance with the terms of the Permit, the conditions of approval and provisions of this By-law..
- 12.5 At its expense, the Corporation (at its own cost and for its own account) shall carry out clean up operations immediately after the Event to restore each road to as good condition as it was in immediately before the Event as expeditiously as possible and before re-opening of the road to vehicular traffic.
- 12.6 No barricade shall be placed and no road shall be closed or narrowed (including any part of the Course), nor shall any crossing be operated, in such a manner as

to create a danger to the life or safety of any person, including participants in the Event.

13. Directions to City Staff

- 13.1 The City shall erect and maintain sufficient warning signs and devices to provide adequate warning to the public of the occupation and obstruction of each closed Road or on which traffic is restricted under this By-law, at each end of every such Road or portion thereof so closed or restricted, and where an alternative route deviates therefrom, a barricade with an adequate warning device shall be erected during all relevant periods, which device shall be maintained in good working order continuously (except during full daylight), and at all such points detour signs shall be erected indicating the alternative route and containing a notice that the Road is closed or restricted.
- 13.2 All barricading, detour signing equipment and other property of the Corporation and traffic control be subject to the direction of the Chief of Police.

14. Non-compliance with Orders

- 14.1 Where the Corporation or any other person does not comply with the provisions herein, by any person, an Order to Comply may be issued and served upon such person, by the General Manager of Public Works, the General Manager of Emergency Services or the Police Chief, as the case may be.
- 14.2 Every person to whom an Order to Comply is served under section 14.1, shall take forthwith all such steps as are necessary to comply with that Order.
- 14.3 Where the Corporation or any person acting by or under its direction fails or refuses to comply with an Order to Comply issued under this section, then in addition to any other remedy or penalty provided for under this by-law or otherwise available at law, the City may immediately revoke the Corporation's permit to conduct the race by serving the Corporation with a written notice to that effect.

15. Authorization to Use City Property

- 15.1 Subject to the provision of such evidence of insurance as the City's Manager of Risk Management may reasonably require, the City hereby consents to the sale and consumption of alcohol on City property in accordance with applicable

provincial law in connection with the holding of the Event, and the City's General Manager of Public Health and Community Services is hereby authorized and directed to cooperate with the Corporation in applying for any permit required by law to allow such sales and consumption to proceed.

15.2 Where, the City Manager or the Mayor are of the opinion that the requirements of

- (a) the agreement contemplated under section 5.4 of By-law 03-12, or
- (b) By-law 03-12 as amended by this By-law

have been substantially satisfied, and one or both of them has consulted and been advised by,

- (c) the Chief of Police and the General Manager of Emergency Services that any failure to comply with the requirements of those By-laws does not present a risk to public safety;
- (d) the City's Manager of Risk Management that those failures do not present an unacceptable level of additional insurance risk to the City and are not likely to compromise its ability to recover indemnification under any contract of insurance;
- (e) the General Manager of Public Works that no material additional traffic delay or other material public works related issue is likely to arise by virtue of those failures,

then the Mayor, City Manager or both may waive strict compliance with the By-law or the requirements of the agreement contemplated under subsection 5.4 and permit the Event to be held.

16. Health and Safety (SARS and Analogous Concerns)

- (1) Nothing in this By-law shall be deemed to limit the authority of the City to revoke or limit the authorization hereby granted to hold the Event on City Roads or any part of those Roads where it is reasonably necessary to do so:
 - (a) in the interests of general public safety or welfare,

- (b) in the interests of national or provincial security, including where there are serious threats of terrorist act, or war;
 - (b) in response to an emergency is declared under the *Emergency Plans Act*, whether in Hamilton or elsewhere in Ontario, such as to require the diversion of emergency resources and other vital municipal services or facilities from the City to another municipality;
 - (c) in compliance with an order issued by any court or administrative tribunal, or by a federal or provincial authority.
- (2) Where in the opinion of the City's Medical Officer of Health the holding of the Event or any part of the Event would be reasonably likely,
- (a) to worsen an existing public health problem;
 - (b) to give rise to some new public health problem; or
 - (c) to impede efforts to control the spread of any communicable disease,
- the Medical Officer of Health may issue an order prohibiting or restricting the holding of the Event or part of the Event, as the case may be, despite the authorization granted under this By-law.

17. Offences

17.1 The following persons are guilty of an offence:

- (a) any person who operates, parks or stands a vehicle on a road contrary to any posted sign or notice, or in such a manner so as to interfere with the conduct of the Event;
- (b) any person who fails or refuses to comply with an order to comply under this By-law or a direction given under section 4;
- (c) any driver of a vehicle or pedestrian who
 - (i) enters or crosses; or
 - (ii) throws anything onto

the Road Race Course, Long Time Trial Course or Short Time Trial Course at a time when the Course in question is in use in connection

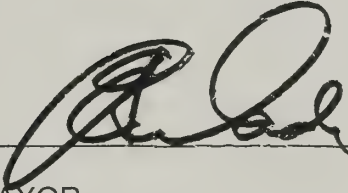
with the Event except when authorized to do so by a posted sign, signal or notice or a police officer or Race Officer;

- (d) any person who removes a barricade, signal, barrier, notice or other sign posted or put into place by or with the authority of the General Manager of Public Works, the Chief of Police or the General Manager of Emergency Services;
- (e) any person who removes any cover from any traffic signs or parking meters which is placed thereon by or under the direction of the General Manager of Public Works, the Chief of Police or the General Manager of Emergency Services;
- (f) any person who drives or operates a vehicle on a closed road, or on a road on which traffic is restricted, in intentional disobedience of the signs or traffic control devices.
- (g) any person who obstructs or attempts to obstruct a Course at a time when the Event is scheduled to take part on that Course;
- (h) any person who interferes with a Race Official carrying out duties in connection with the holding of the Event or who interferes with any participant competing in the Event;
- (i) any person who contravenes a direction, restriction, prohibition or order of any of the General Manager of Public Works, the General Manager of Emergency Services or the Chief of Police that is published, made or issued under the authority of this By-law;
- (j) any person who contravenes a provision of this By-law.

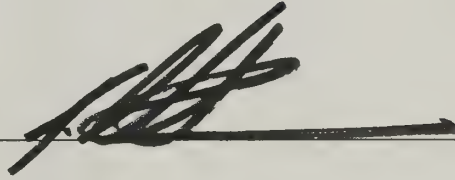
17.2 Every director or officer of a corporation who causes or knowingly acquiesces in a breach of this By-law by a corporation is guilty of an offence.

17.3 Any person who is guilty of an Offence under this By-law shall be liable to a fine of \$5,000, which may be enforced in accordance with the *Provincial Offences Act*.

PASSED and ENACTED this 24th day of September, 2003.

A stylized, cursive handwritten signature in black ink, positioned above a horizontal line.

MAYOR

A stylized, cursive handwritten signature in black ink, positioned above a horizontal line.

CLERK

Schedule "A"

Street Segment or Intersection	Canadians			Worlds								
	27/Jun	28/Jun	29/Jun	5/Oct	7/Oct	8/Oct	9/Oct	10/Oct	11/Oct	12/Oct		
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
	Time Trials 9am-12pm	Criterium 12pm-5pm	Road Race 4pm-8pm	Training 10am-12pm	Time Trials 11am-4pm	Time Trials 11am-4pm	Training 10am-12pm	Time Trials 12pm-4pm	Road Race 9am-5pm	Road Race 9am-5pm	Road Race 9am-4pm	
James to Bay - 24hr												
Main - James to Queen	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Main & Queen	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad	NW-Quad
Queen - Main to Amelia	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Beckett - Amelia to Auchmar	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Garth - Auchmar to Fennell/Scenic	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Garth & Fennell/Scenic	SE-Quad	SE-Quad	SW-Quad	SE-Quad	SE-Quad	SE-Quad	SE-Quad	SE-Quad	Closed	Closed	Closed	Closed
Scenic - Garth to Lavendar	Closed	Closed		Closed	Closed	Closed		Closed				
Scenic - Lavendar to Mohawk	Shared	Shared		Shared	Shared	Shared		Shared				
Scenic & Mohawk	Shared	Shared		Shared	Shared	Shared		Shared				
Mohawk - Scenic to Garth	Shared	Shared		Shared	Shared	Shared		Shared				
Mohawk & Garth	Shared	Shared		Shared	Shared	Shared		Shared				
Garth - Mohawk to Fennell	Shared	Shared		Shared	Shared	Shared		Shared				
Garth & Fennell/Scenic	SE-Quad	SE-Quad		SE-Quad	SE-Quad	SE-Quad		SE-Quad				
Fennell - Garth to West 5th	Shared	Shared	Closed	Shared	Shared	Shared	Shared	Shared	Closed	Closed	Closed	Closed
Fennell & West 5th	Shared				Shared							
West 5th - Fennell to Brantdale	Shared				Shared							
Fennell - West 5th to Upper James		Shared	Closed	Shared		Shared	Shared	Shared	Closed	Closed	Closed	Closed
Fennell & Upper James		Shared	SE-Quad	Shared		Shared	Shared	Shared	SE-Quad	SE-Quad	SE-Quad	SE-Quad
Upper James - Fennell to Inverness		Shared	Closed	Shared		Shared	Shared	Shared	Closed	Closed	Closed	Closed
Upper James - Inverness to Claremont		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Claremont - Upper James to Victoria		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Victoria - Claremont to Main		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Victoria & Main		NE-Quad	NE-Quad	NE-Quad		NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad
Main - Victoria to Wellington		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Main & Wellington		NW-Quad	NW-Quad	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Wellington - Main to Claremont		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Claremont - Wellington to Claremont Access Road		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Claremont Access Road - Claremont to West 5th		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
West 5th - Brantdale to James Mtn.	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
James Mtn - West 5th to Inglewood	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
James - Inglewood to St. Josephs	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
James - St. Josephs to Charlton	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared
James - Charlton to Main	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Main & James	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad	NE-Quad

In addition to the street segments listed in the above chart (the "Stadium") any and all City Roads that intersect with the Stadium shall be temporarily closed for a distance of one-block from the Stadium for the same time periods that the Stadium is closed.

Where the term "Quad" is indicated, vehicular access is allowed to that area only. As an example, the intersection of Main Street and Queen Street the north-west quadrant shall be open to vehicular traffic while the south-east quadrant is closed to vehicular traffic.

Where the term "Shared" is indicated, both vehicular and cyclist traffic shall utilize a designated portion of the Roadway, as directed from time to time by the City's General Manager of Public Works. Consequently the section of Road shall not be closed to vehicular traffic.

The Road closures shall occur one hour prior to the first race time. Conversely the Roads shall open one hour after the completion of the last race each day. The City's General Manager of Public Works and Chief of Police shall each have the authority to extend the closure by up to a further 60 minutes prior to or after the last race each day beyond the times specifically authorized in the By-law, where in their respective opinion it is necessary or advisable to do so.

Schedule "B"

Special Event Parking Restrictions

Special event parking restrictions shall apply during the Event as provided in this Schedule within the closed area referred to as "Race Zone" in Schedule "P":

- i) One "Special Event Parking Permit" shall be issued to each residential unit (including apartment buildings) within the closed area referred to as "Race Zone" in Schedule "P".
- ii) One "Special Event Parking Permit" shall be issued to each one, two and three family dwelling unit within the area referred to in Schedule "P", as the "Perimeter Parking Zone".
- iii) Special Event Parking Permits shall be mailed in advance of the Event. The permits shall allow residents to park in all legal areas within the defined boundary. Spectator parking shall not be allowed.
- iv) Additional "Special Event Parking Permits" may be requested at the Parking & Enforcement Operations Office at 80 Main Street West (at Summers Lane). Permits shall be issued only to persons residing in this defined area. A second permit shall be issued upon request while additional permits must be substantiated by proof of registration of the vehicle within the defined boundaries.
- v) "Special Event Parking Permits" shall be issued to persons living outside the race zone or perimeter parking zone only with justification and with advance notice (two weeks prior to event). These requests can be made through the Parking & Enforcement Operations Office and shall only be considered because of a major personal event.
- vi) "Special Event Parking Permits" shall not be issued to businesses and/or their employees. Concerns about parking by area businesses shall be addressed on an individual basis by Parking and Enforcement Operations, in consultation with the Ward Councillor.
- vii) "Special Event Parking By Permit Only" signs shall be placed at each roadway entrance to the defined boundary area to inform motorists that they are entering the special event parking area.
- viii) All special event parking signs shall be displayed at least 12 hours prior to the scheduled start of the Event in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements.
- ix) An additional 1080 temporary parking spaces shall be created within the defined parking area to supplement the current parking supply.
- x) Parking shall be prohibited on roadways designated as Emergency or Essential Service accesses.
- xi) All parking meters on the racecourse and within the "Race Zone" shall be bagged to ensure that the public are not trapped within the race zone.

- xii) Parking Control Officers shall be assigned to patrol the area during both events. Parking Control Officers shall provide strict enforcement in critical areas, but shall be given a wider range of discretion and a public relations mandate in other areas.
- xiii) Towing of illegally parked vehicles shall be undertaken on the race route and at Emergency and Essential Services crossings at all times.

Schedule "C"

Course Closure Protocol

Road World Championships, Hamilton 2003

This document has been prepared by the City of Hamilton, and defines the procedure that will be followed in turning over the approved race routes to Hamilton 2003 Cycling Championships (HCC) on each day of the 2003 World Road Race Cycling Championship (the "Event"). It is the responsibility of each party to seek independent legal and/or other appropriate advice prior to reliance upon the content and/or implementation of this protocol.

For the purposes of this protocol, HCC shall be deemed to include relevant representatives and officials of including members of the International Cycling Union and the Canadian Cycling Association).

Course Closure Protocol

Mission:

Safety is the paramount concern of both the City and HCC.

The primary responsibility of City of Hamilton, and the HCC is to ensure the physical safety residents, spectators and participants in the Event , particularly the safe operation of the Racecourse. This protocol is intended to promote safety to residents, spectators, cyclists, pedestrians and/or vehicular traffic , obligations to take protective measures (including signs, barricades, etc.) and to define responsibilities of "race officials" under the enabling City of Hamilton by-law authorizing the holding of the Event.

Purpose:

To develop a protocol wherein the physical lay out of the racecourse, supporting areas (e.g. bridges, grandstands, detours) and surrounding roads and sidewalks must be examined and approved by designated City of Hamilton representatives along with HCC representatives, so that the race or other aspects of the Event may commence or continue in safety.

Procedure

The Chief of Police or designates, and such other personnel of the City of Hamilton who may be authorized for that purpose by the City Manager, shall discharge the applicable legal responsibilities to ensure the safety and security of all citizens and visitors to the City of Hamilton. In carrying out that responsibility, City representatives shall consider whether the arrangements in place appear to provide reasonable safety to sporting enthusiasts, cyclists, pedestrians and/or vehicular traffic and "race officials"

Prior to the commencement of the Events scheduled to be held on any given day, Supt. Glyn Wide (Chief's designate) and/or Supt. Michael Shea (Police Operations Manager) along with Mr. Pierre Hutsebaut (Canadian Cycling Association) and/or Mr. Luc Bujold, Mr. Hart Solomon (Transportation, Public Works/Traffic Engineering and Mr. Michael Hill (Risk Management) will physically examine the entire racecourse. Where there is a change in the course on which the Event is to be held during a single day, that affected portion of the course shall be re-inspected for the purposes of this Protocol. No part of the Event shall commence, until the inspection has been completed and HCC has been officially notified to that effect by written notice. In addition, before commencing the Event on each day, a designated representative of

HCC shall sign a document prepared by the City Solicitor, confirming HCC's acceptance of responsibility for the race course.

The examination will include surfaces and barriers and road signs. These examinations will include adjoining fencing, road surface, signs and traffic notices along the Short Time Trial, Long Time Trials and Road Racecourse of the 2003 Road World Cycling Championship. This event is being held in Hamilton on from Monday 6th October to Sunday 12th October 2003.

Designated officials will examine the entire race routes (Short Time Trial, Long Time Trial and Racecourse) to confirm that all safety mechanisms are in place to the satisfaction of the above officials. When classified as being unsafe, and/or deficiencies are identified the above persons will contact the City Manager Mr. Rob Robertson and His Honor Mayor Robert Wade. The Hamilton Cycling Committee will be notified to cancel, delay or to commence the cycling event.

The examination procedure will begin one hour prior to first race (practice) of the day. HCC's barricade contractor (Sidan Traffic Control Services, c/o Mr. Dan Sidan) will complete barricades and signage prior to the commencement of the inspection. Road marshals and police personnel must be in place to assist in erecting and removal of barricades.

Best efforts will be exerted to allow races to start on time. In order to be able to accomplish the closure within one hour the following approach is necessary:

Daily Procedures

Two vehicles (designated as "A" and "B" for the purposes of this Protocol) will inspect the racecourse. Each vehicle (with key individuals) will have the specific roles set out below:

Prior to the vehicle inspection process set out below, a representative from HCC – technical (Luc Bujold) will inspect the course for the day, at least 2.5 hours before the Event is to commence for debris and general course condition. A prompt report will be made to the City's COC of any identified problems.

Inspection Vehicle "A"

To verify proper course closure on a sporting level (riders' safety and spectator control). Verify barricade placements, street closures (barricades), debris on course, marshaling, police and military security, race signage, and ensure that publicity banners are securely attached to barricades.

The personnel in this vehicle will also inspect grandstands and bridges to confirm that they are properly in place and apparently in safe and usable condition.

Personnel in vehicle A: UCI representative (Mr. Charlie Mottet), technical representative from HCC (Mr. Luc Bujold), City of Hamilton officials which includes police, traffic department, risk management.

Inspection Vehicle "B"

To verify proper street closure for rerouting of traffic. Verification of one block back, including signage on barricades and all concerns regarding traffic approaching course.

Personnel in vehicle B: City of Hamilton officials including police, traffic department, risk management and a technical representative from HCC the racecourse. Should the inspection of traffic closure not be completed by the time declaration of **stadium clear**, then inspection of course will continue outside of the course boundaries (utilizing side streets). The race will not begin until both **Vehicle A and B** have completed their respective inspections.

Inspections must be completed in the same direction of the course. When **Vehicle A and B** have both completed their respective inspections of the course and relevant personnel are satisfied that all safety requirements have been met, **stadium clear** will be declared to City Manager, Mr. Robert Robertson, or designate. Once the race course safety confirmation is signed by City Manager, the race may begin. Mr. Hutsebaut will receive the city approval that the racecourse is **stadium clear** and will notify the race concierge.

Where the course changes during a single day, the re-inspection of the modified route shall be carried out by a single car including representatives as per vehicle "A". The Event shall not re-commence until those individuals advise HCC in writing that it is safe to proceed.

From time to time, the City may issue directions to deal with matters which are not addressed in this Protocol and all such directions will be added to the Protocol as necessary.

THE CITY OF HAMILTON

BY-LAW NO. 03-274

To Confirm the Proceedings of City Council at its meeting held on September 24, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

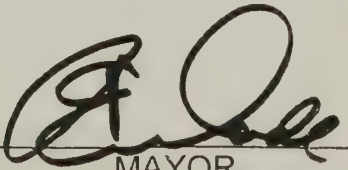
1. The Action of City Council at its meeting held on the 24th day of September, 2003 in respect of each recommendation contained in:

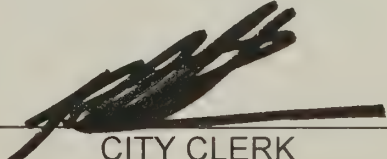
Report 03-025 of the Committee of the Whole,
Report 03-026 of the Committee of the Whole,
Report 03-030 of the Hearings Sub-Committee,
Report 03-031 of the Hearings Sub-Committee,
Report 03-007 of the Grants Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 24th day of September, 2003


MAYOR


CITY CLERK

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Bill No. 275

THE CITY OF HAMILTON

BY-LAW NO. 03-275

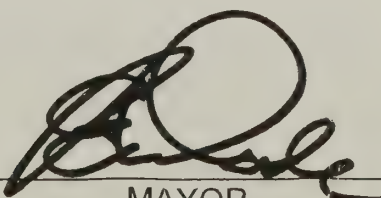
To Confirm the Proceedings of City Council at its special meeting held on September 25, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

1. The Action of City Council at its meeting held on the 25th day of September, 2003 in respect of each recommendation contained in the Committee of the Whole,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 25th day of September, 2003


MAYOR


CITY CLERK

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Authority: Item 6, Committee of the Whole
Report: 03-027 (PD03268)
CM: October 15, 2003

Bill No. 276

CITY OF HAMILTON

BY-LAW NO. 03-276

**To Amend Zoning By-law No. 6593, as amended by Zoning By-law No. 02-189,
Respecting Lands Located at 1500 and 1502 Main Street East**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 03-027 of the Committee of the Whole at its meeting held on the 15th day of October 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

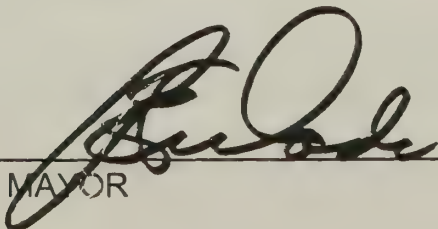
1. The 'H' (Holding) symbol affixed by By-law No. 02-189 (Hamilton), passed on the 15th of January, 2003, to the "H"- 'H' (Community Shopping and Commercial, etc. - Holding) District, Modified (Block "1") and the "C"- 'H' (Urban Protected Residential,

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CAY 01 486 408

etc. – Holding) District, Modified (Block “2”) respecting the lands the extent and boundaries of which are shown on a plan annexed as Schedule “A” to By-law No. 02-189 (Hamilton) and forming part thereof, is hereby removed, and the development of lands may proceed in accordance with the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “1”) and the “C” (Urban Protected Residential, etc.) District, Modified (Block “2”) provisions of Zoning By-law No. 6593 (Hamilton), subject to the special requirements referred to in By-law No. 02-189 (Hamilton).

2. Sheet Nos. E-64 and E-65 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended by By-law No. 02-189, are further amended, by changing from “H”-“H” (Community Shopping and Commercial, etc. - Holding) District, to “H” (Community Shopping and Commercial, etc.) District (Block “1”), and from “C”-“H” (Urban Protected Residential, etc. – Holding) District to “C” (Urban Protected Residential, etc) District (Block “2”), the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” and forming part of this By-law.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “1”) and the “C” (Urban Protected Residential, etc) District, Modified (Block “2”) provisions, subject to the special requirements referred to in sections 1., 2., and 3., of By-law No. 02-189.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1462a.
5. Sheet Nos. E-64 and E-65 of the District Maps are amended by marking the lands referred in Section 1 of this by-law as S-1462a.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.



MAYOR



CLERK

CAN ON HBL A08
B91

Authority: Item 9, Hearings Sub-Committee
Report 03-030 (PD03212)
CM: September 24, 2003

Bill No. 277

CITY OF HAMILTON

BY-LAW NO. 03-277

To Amend Zoning By-law No. 6593
Respecting Lands Located at 154 Catharine Street South

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 03-030 of the Hearings Sub-Committee at its meeting held on the 24th day of September, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Zoning By-law No. 01-108 be repealed in its entirety.
2. Sheet No. E-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

Can on H&M 108
Bd.

- (a) by changing from "E-3" (High Density Multiple Dwellings) District to "DE" (Low Density Multiple Dwellings) District,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

- 3. The "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, are amended to the extent only of the special requirements that:

- (a) Notwithstanding Subsection 10A.(2) of Zoning By-law No. 6593, no building or structure shall exceed a height of three storeys and 12.25 metres;
- (b) Notwithstanding Subsection 10A.(3)(i) of Zoning By-law No. 6593, a minimum front yard depth of 1.5 metres shall be provided and maintained;
- (c) Notwithstanding Subsection 10A.(3)(ii)(c) of Zoning By-law No. 6593, a minimum northerly side yard of 1.5 metres and a minimum southerly side yard of 1.0 metres shall be provided and maintained;
- (d) Notwithstanding Subsection 10A.(3)(iii) of Zoning By-law No. 6593, a minimum rear yard depth of 1.5 metres shall be provided and maintained;
- (e) Notwithstanding Subsections 18.(3)(vi)(cc) and 18.(3)(vi)(d) of Zoning By-law No. 6593, a balcony and roofed-over, unenclosed porch shall be setback a minimum of 0.9 metres from the Young Street and Catharine Street South street lines and exterior steps shall be setback a minimum of 0.0 metres from the Young Street and Catharine Street South street lines;
- (f) Notwithstanding Subsection 18A.(1)(c) of Zoning By-law No. 6593, no loading space shall be provided; and,
- (g) Notwithstanding Subsection 18A.(7) of Zoning By-law No. 6593, one internal parking space having a minimum length of 4.9 metres and width of 2.7 metres shall be permitted.

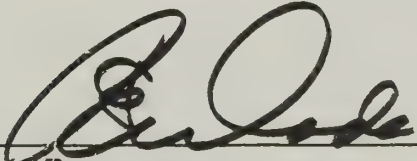
- 4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" (Low Density Multiple Dwellings) District provisions, subject to the special requirements referred to in section 3.

- 5. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1456a.

- 6. Sheet No. E-5 of the District Maps is amended by marking the lands referred in Section 2 of this by-law as S-1456a.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

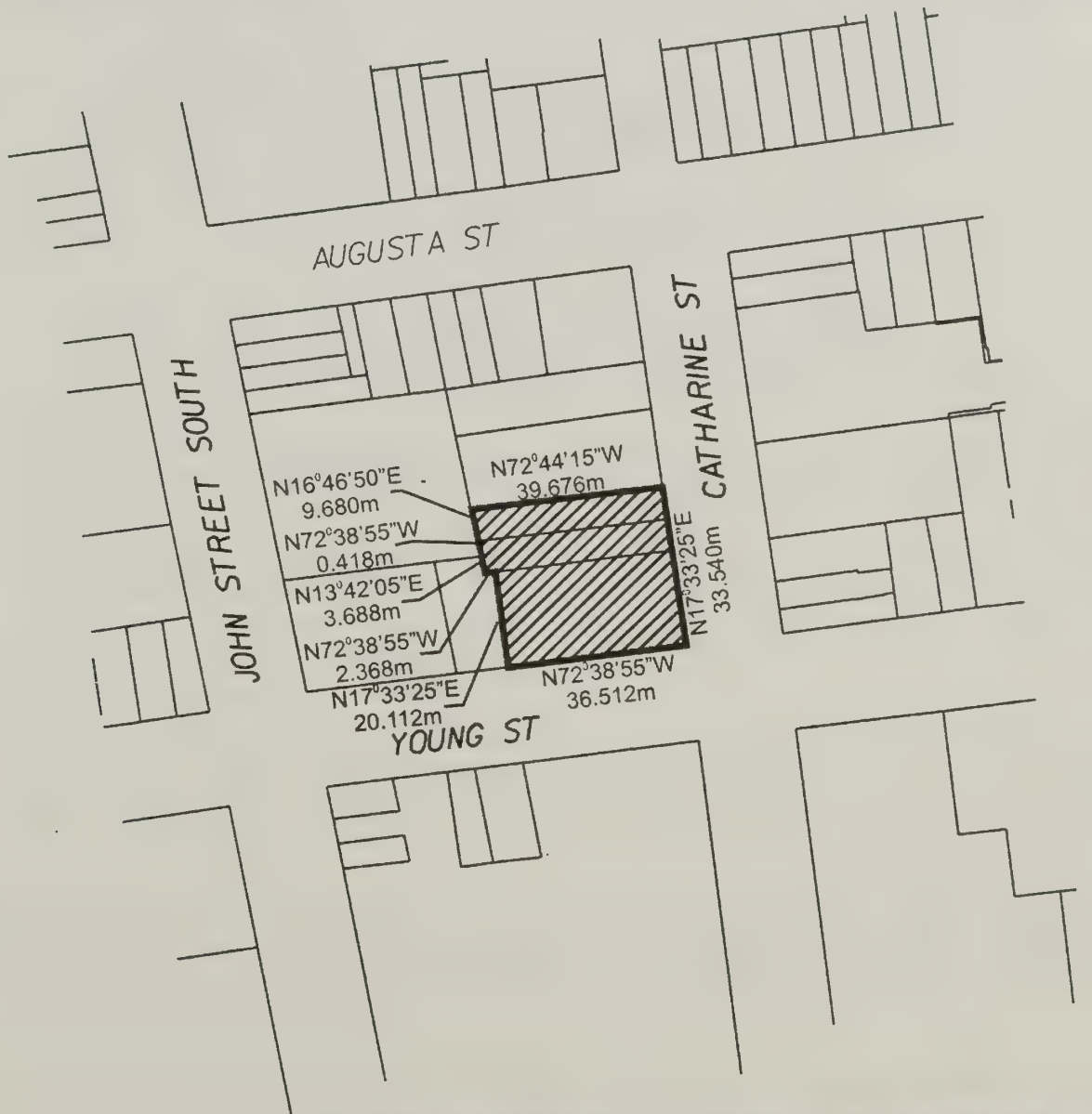
PASSED and ENACTED this 15th day of October, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03— 277

Passed the15th... day of ...October....., 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-277
to Amend By-Law No. 6593



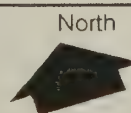
Hamilton

Planning and Development Department

Legend



Subject Property
154 Catharine Street South
Change in Zoning from "RT-20"
(Townhouse - Maisonette) District,
Modified to "DE" (Low Density Multiple
Dwellings) District, Modified.



North

Scale
NOT TO SCALE

Date
August 25, 2003

Reference File No.
ZAC-03-53

Drawn By
NM

CAN ON HBL A08
B91

Authority: Item 12, Hearings Sub-Committee
Report 03-030 (PD03192)
CM: September 24, 2003

Bill No. 278

CITY OF HAMILTON

BY-LAW NO. 03-278

To Amend Zoning By-law No. 06593
Respecting Lands Located at 956 Upper Paradise Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 12 of Report 03-030 of the Hearings Sub Committee at its meeting held on the 24th day of September, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

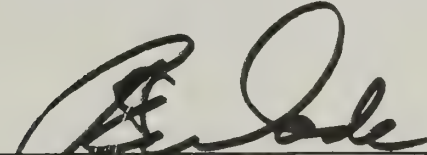
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

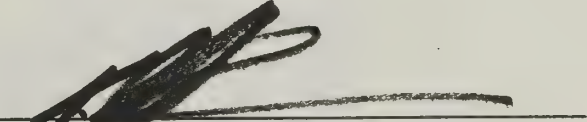
1. Sheet No. W-37c of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (i) by changing from "AA" (Agriculture) District to "C" (Urban Protected Residential, etc.) District, the lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A".

109 284 60 497
198

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003 .



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03— 278

Passed the15th..... day of ...October....., 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-278
to Amend By-Law No. 6593



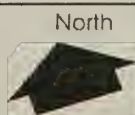
Hamilton

Planning and Development Department

Legend



Subject Property
956 Upper Paradise Road



North

Scale
NOT TO SCALE

Date
July 18, 2003

Reference File No.
ZAC-03-38

Drawn By
NM

CAN ON NBL A08
B91

Authority: Item 8, Hearings Sub-Committee
Report 03-030 (PD03219)
CM: September 24, 2003

Bill No. 279

CITY OF HAMILTON

BY-LAW NO. 03-279

**To Amend Zoning By-law No. 6593
Respecting Lands Located at the rear of 1250 Limeridge Road East**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 8 of Report 03-030 of the Hearing Sub Committee at its meeting held on the 24th day of September, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. E-59b of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

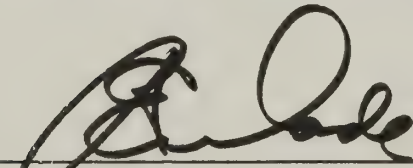
891
C 104 04 1081 1001

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, Etc.) District, the lands comprised in Block "1"; and,
- (b) by changing from "AA" (Agricultural) District to "RT-10" (Townhouse) District, the lands comprised in Block "2";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

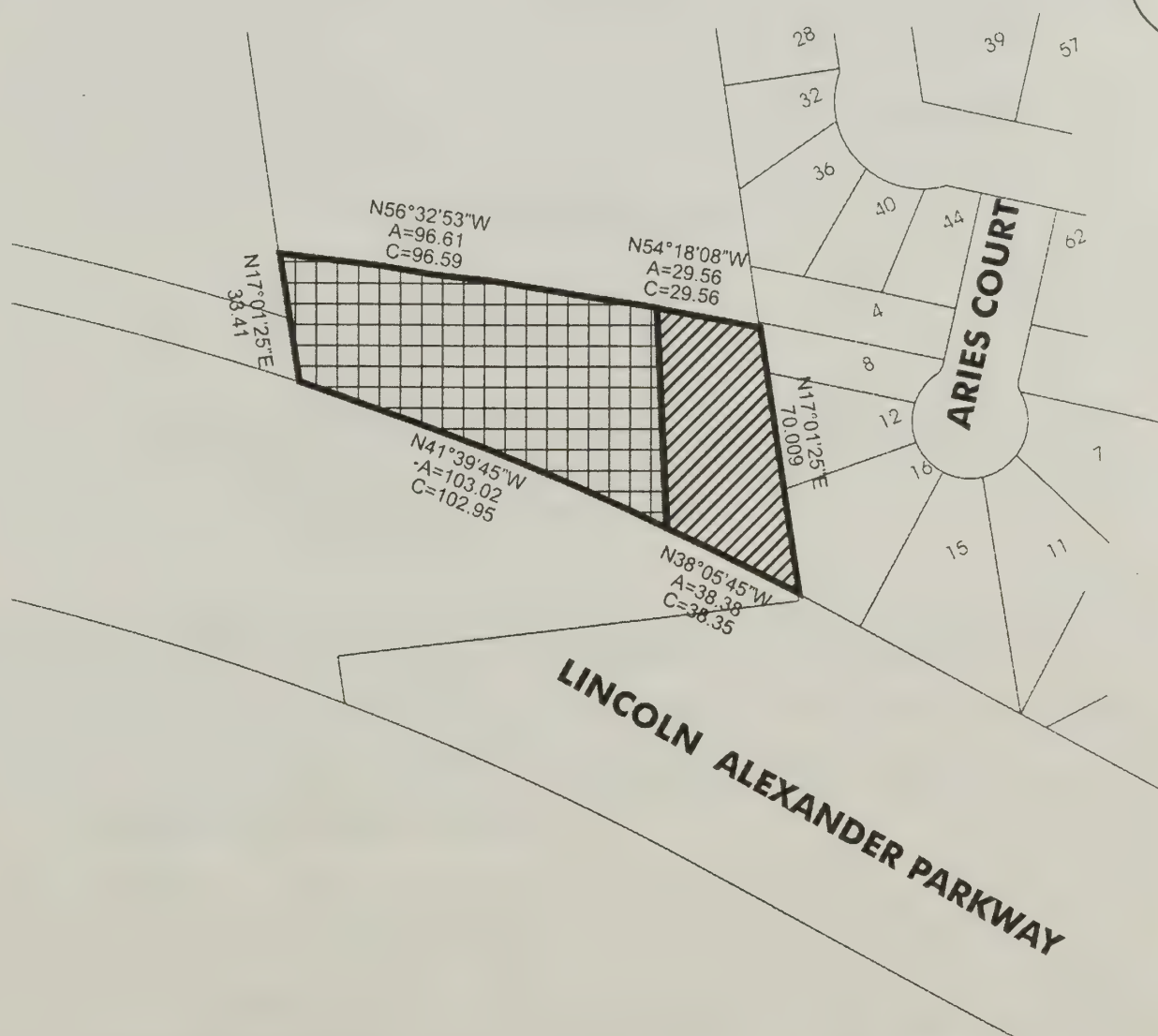
- 2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District (Block "1") and the "RT-10" District (Block "2") provisions.
- 3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.



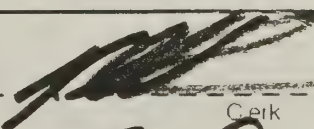
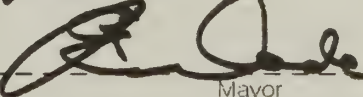
MAYOR

CLERK



This is Schedule "A" to By-Law No. 03 — 279

Passed the 15th day of October, 2003


Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-279
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

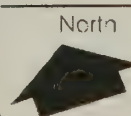
Legend



Block 1: From "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District



Block 2: From "AA" (Agricultural) District to "RT-10" (Townhouse) District



Scale
NOT TO SCALE

Date
October 2, 2003

Reference File No.
CI-03-D

Drawn By
CL

CAD ON HBA A08
B91

Authority: Item 2, Hearings Sub-Committee
Report 02-007 (PD02033)
CM: October 15, 2003

Bill No. 280

CITY OF HAMILTON

BY-LAW NO. 03-280

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located on Part of Lot 1, Concession 1,
in the former Township of Glanbrook
(Elizabeth Gardens Subdivision)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend certain exceptions under Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1993.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing from the Restricted Agricultural "A2" Zone to the Public Open Space "OS2" Zone, the land comprised of Blocks 1 and 6, the extent and

B-1
Card on H&A 118

boundaries of which are shown on a plan hereto annexed as Schedule "A";

- (b) by changing from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM3" Zone, the land comprised of Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
- (c) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4" Zone, the land comprised of Block 3, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
- (d) by changing from the Restricted Agricultural "A2" Zone to the Multiple Residential "RM2" Zone, the land comprised of Block 4, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,
- (e) by changing from the Restricted Agricultural "A2" Zone to the Institutional - Holding "H-I-183" Zone, the land comprised of Block 5, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

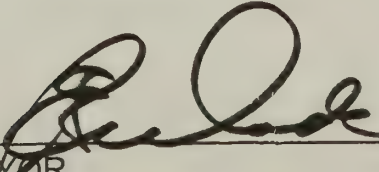
2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "H-I-183", to include the following:

"H-1-183 Part of Lot 1, Block 4, Concession 4 (Binbrook), Former Township of Glanbrook

The removal of the holding symbol "H" by By-law for those lands zoned Institutional - Holding "H-1-183" shall be subject to consolidation with adjacent lands to the west for the purpose of providing an elementary school site in accordance with the Binbrook Village Secondary Plan."

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03— 280

Passed the15th.... day of ..October.....,2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-280
to Amend By-Law No. 464



Hamilton

Planning and Development Department

Legend

- BLOCKS 1 & 6** - Rezone to the Public Open Space "OS2" Zone
- BLOCK 2** - Rezone to the Residential Multiple "RM3" Zone
- BLOCK 3** - Rezone to the Residential "R4" Zone
- BLOCK 4** - Rezone to the Multiple Residential "RM2" Zone
- BLOCK 5** - Rezone to the Institutional - Holding "H-I-183" Zone

North



Scale
NOT TO SCALE

Date
October 10, 2003

Reference File No.
ZAC-01-42

Drawn By
NB

C44 ON HBL A08
B91

Authority: Item 2, Hearings Sub-Committee
Report 03-030 (PD03218)
CM: Sept. 24, 2003

Bill No. 281

CITY OF HAMILTON

BY-LAW NO. 03-281

To Amend:

Zoning By-law No. 87-57 (Ancaster),

Respecting:

LANDS LOCATED AT 402 WILSON STREET EAST

Owned by Henry Krukowski
(former Town of Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

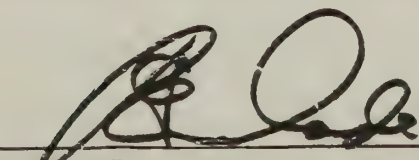
AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.

CH 4 on HSE 408
198

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map 2 to Schedule "B" (Village Core) of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby amended by changing the zoning of the lands that are known municipally as 402 Wilson Street East from the Village Area "VA" Zone to the Village Area Holding "VA-502(H)" Zone located within Part of Lot 45, Concession 2, (Former Town of Ancaster) more particularly shown on Schedule "A" which forms part of this By-law.
2. Section 34.2: Exceptions of Zoning By-law 87-57 (Ancaster), is hereby further amended by adding the following new subsection:
VA-502(H) Permitted Uses
In accordance with the Village Area "VA" Zone uses as specified in Table 1, Section 22.1.
Regulations
In accordance with the provisions of Section 25.2, Village Area "VA" Zone (Commercial Uses).
3. The Holding provision will prohibit the use of the subject lands for commercial purposes, until such time that a site plan has been submitted and approved, the properties at 402 Wilson Street East and 398 Wilson Street East have been merged under common title, and a road widening to establish the property line, approximately 10.06 metres from the centreline of construction of Wilson Street East, has been dedicated to the City, to the satisfaction of the Director of Development and Real Estate, Planning and Development Department. City Council may remove the 'H' symbol and, thereby, give effect to the Village Area "VA-502" Zone provisions by enactment of an amending By-law once the conditions are fulfilled;
4. All other regulations of Section 7, General Provisions of Zoning By-law 87-57 (Ancaster) shall continue to apply.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.



MAYOR

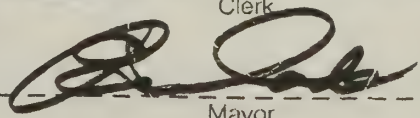


CLERK



This is Schedule "A" to By-Law No. 03— 281

Passed the15th..... day of ..October....., 2003


Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-281
to Amend By-Law No. 87-57



Hamilton

Planning and Development Department



Subject Property
402 Wilson Street East

For a Change in zoning from
Village Area "VA" Zone to
Village Area "VA-502(H)" Zone

North



Scale
NOT TO SCALE

Date
October 02, 2003

Reference File No.
ZAC-03-40

Drawn By
NB

Authority: Item 8, Hearings Sub-Committee
Report 03-032 (PD03236)
CM: October 15, 2003

Bill No. 282

CITY OF HAMILTON

BY-LAW NO. 03-282

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 382 Federal Street

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, under Subsection 6.3 of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

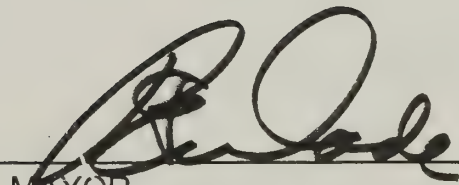
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Residential "R5" Zone to the Single Residential "R2" Zone, the lands comprised of 382 Federal Street, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

20A 284 40 4A
195

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.


MAYOR
CLERK



This is Schedule "A" to By-Law No. 03—282

Passed the 15th day of October, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-282
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

Legend



Subject Property

382 Federal Street
Lands to be Rezoned from the
Residential "R5" Zone to the
Single Residential "R2" Zone.

North



Scale
NOT TO SCALE

Date
July 10, 2003

Reference File No.

ZAR-03-58

Drawn By

CL

CAN ON HBL A08
B91

Authority: Item 3, Hearings Sub-Committee
Report 03-032 (PD03229)
CM: October 15, 2003

Bill No. 283

CITY OF HAMILTON

BY-LAW NO. 03-283

Being a Housekeeping Amendment to Zoning By-law No. 3692-92 (Stoney Creek)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

AND WHEREAS Council of the City of Hamilton deems it desirable and expedient that By-law No. 3692-92 (Stoney Creek) be amended as hereinafter set forth;

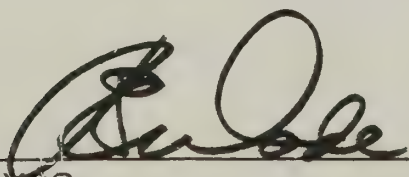
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 4.10.9 is amended by changing "1.1 spaces for each 10 sq.m. of gross floor area or part thereof use for warehousing and/or wholesaling" to "1 space for each 100 sq.m. of gross floor area or part thereof use for warehousing and/or wholesaling" in the "Minimum Parking Spaces Required" paragraph for the use "Nursery Garden Centres".
2. Special Exemption "R2-43(H)" of Subsection 6.3.7 is deleted in its entirety.

Can on HSE 408
B-1

3. Special Exemption "RM3-22" (Lands located at the northeast corner of Margaret Avenue and Highway No. 8) of Subsection 6.10.7 is amended by changing the special exemption number to "RM3-24".
4. Special Exemption "GC-46(H)" of Subsection 8.3.8 is amended by deleting the (H) suffix from the title of the special exemption, by deleting the (H) suffix from the special exemption references in the first and second paragraph, and by deleting the third paragraph in its entirety.
5. Special Exemption "MT-6(H)" of Subsection 9.4.6 is amended by deleting the (H) suffix from the title of the special exemption and by deleting the second paragraph in its entirety.
6. Special Exemption "MSP-12" of Subsection 9.6.7 is amended by including the words "and 197" between the words "195" and "Barton" in the title of the special exemption.
7. Special Exemption "MR-3" of Subsection 9.9.5 is amended by including the words "to 138" between the words "126" and "Upper" in the title of the special exemption.
8. Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing from the site-specific Residential Multiple "RM3-22" Zone to the site-specific Residential Multiple "RM3-24" Zone, the land comprised of the subject property, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "B".
9. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

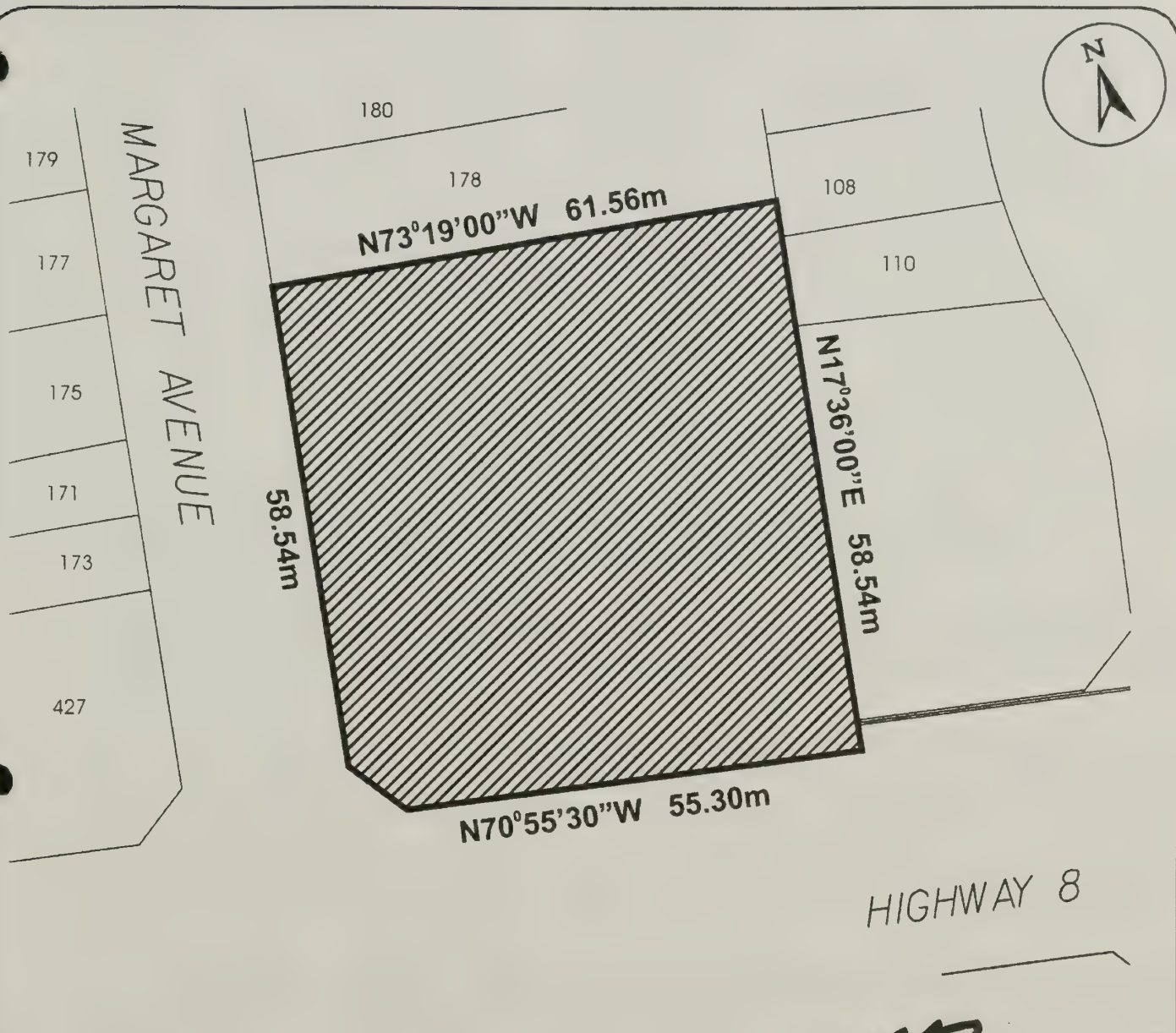
PASSED and ENACTED this 15th day of October, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03 - 283.....

Passed the 15th day of October, 2003.

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-283

to Amend By-Law No. 3692-92



Hamilton

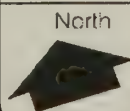
Planning and Development Department

Legend



Subject Property

Change from the site-specific Residential Multiple "RM3-22" Zone to the site-specific Residential Multiple "RM3-24" Zone



North

Scale
NOT TO SCALE

Date
July 17, 2003.

Reference File No.
CI-03-F

Drawn By
NM

CAN ON HBL A08
B91

Authority: Item 3, Hearings Sub-Committee
Report 03-032 (PD03229)
CM: October 15, 2003

Bill No. 284

CITY OF HAMILTON

BY-LAW NO. 03-284

Being a Housekeeping Amendment to Zoning By-law No. 464 (Glanbrook)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

AND WHEREAS Council of the City of Hamilton deems it desirable and expedient that By-law No. 464 (Glanbrook) be amended as hereinafter set forth;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Special Exceptions "C6-118" and "C6-153" of Section 44 are deleted in their entirety.
2. Special Exception "H-R3-162" of Section 44 is amended by deleting the prefix "H" from the title of the special exception and from the special exception reference in the text.
3. Special Exception "H-RM3-162" of Section 44 is amended as follows:
 - (a) by deleting the prefix "H" from the title of the special exception and from the special exception reference in the text;

20A 25H 40 4A)
(PF)

- (b) by renumbering Subsection 2(g) "That no buildings, structures or swimming pools, except for a fence, shall be located less than 10.0 metres from the northerly limits of this block" to Subsection 2(k); and,
 - (c) by deleting Subsection 7 in its entirety.
- 4. Special Exception "H-R3-162, H-R3-168, H-R4-169, H-R4-170, H-C1-171" of Section 44, which stipulates the conditions of the Holding "H" symbol removal, is deleted in its entirety.
 - 5. Special Exception "H-R3-168" of Section 44 is deleted in its entirety.
 - 6. Special Exception "H-R4-169" is amended by deleting the prefix "H" from the title of the special exception.
 - 7. Special Exception "H-R4-170" is amended by deleting the prefix "H" from the title of the special exception.
 - 8. Special Exception "RM3-173(B)" of Section 44 is amended by changing Subsection "(b)(xvii) Minimum Parking Requirements" to Subsection "(b)(xviii) Minimum Parking Requirements".
 - 9. Special Exception "C1-173" of Section 44 is amended by deleting the following text from Subsection (b)(xiv):

"OPEN SPACE "OS2" ZONE, those lands zoned site-specific Public Open Space "OS2-173" shall only be used for storm water management facilities and passive recreational uses."
 - 10. Special Exception "C1-173" of Section 44 is amended by adding the following text after Subsection (b)(xiv):

"Loading spaces shall be provided in accordance with the provisions of Subsection 7.36 of this By-law.

(xv) Minimum Landscaping Requirements

Landscaping shall be provided in accordance with the provisions of Subsection 23.2(n) of this By-law.

(xvi) Accessory Buildings

Accessory buildings shall be pursuant to the provisions of Subsection 7.13 of this By-law.

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION

Ancillary residential uses shall be pursuant to the provisions of Subsection 23.3 of this By-law."

11. Section 44 is amended by adding the following Special Exceptions:

"I-173 Notwithstanding Subsection 39.1 PERMITTED USES of SECTION 39: INSTITUTIONAL "I" ZONE, those lands zoned site-specific Institutional "I" Zone shall only be used for public and separate elementary schools, or single detached dwellings in accordance with the provisions of the site-specific Residential "R4-173(B)" Zone.

OS2-173 Notwithstanding Subsections 42.1 PERMITTED USES and 42.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a), (b) AND (c) INCLUSIVE IN SUBSECTION 42.1 of SECTION 42: PUBLIC OPEN SPACE "OS2" ZONE, those lands zoned site-specific Public Open Space "OS2-173" shall only be used for storm water management facilities and passive recreational uses."

12. Section 44 is amended by adding the following Special Exception:

"H-C3-181 The holding provision prohibits the development of the subject lands until:

- (i) the owner has applied for and received final approval for a site plan control application; and,
- (ii) the owner has demolished the existing buildings and/or obtained relief from several setback provisions of Zoning By-law No. 464 to the satisfaction of the Director, Development Division, Planning and Development Department.

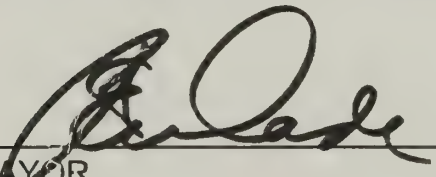
City Council may remove the "H" symbol, and thereby give effect to the General Commercial "C3" Zone, by enactment of an amending By-law once the above conditions have been fulfilled."

13. Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the site-specific "R3-168" Zone to the Residential "R3" Zone, the land comprised of the subject property, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
14. Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the site-specific Residential Multiple "RM3-162" Zone to the site-specific Private Open Space "OS1-162" Zone, the land comprised of the subject property, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "B".
15. Schedule "F", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the General Commercial "H-C-3" Zone to the site-

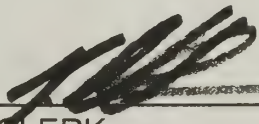
specific General Commercial "H-C3-181" Zone, the land comprised of the subject property, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "C".

16. Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Residential Multiple "RM4" Zone to the Residential Multiple "RM2" Zone, the land comprised of Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "D".
17. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of October, 2003.



MAYOR



CLERK

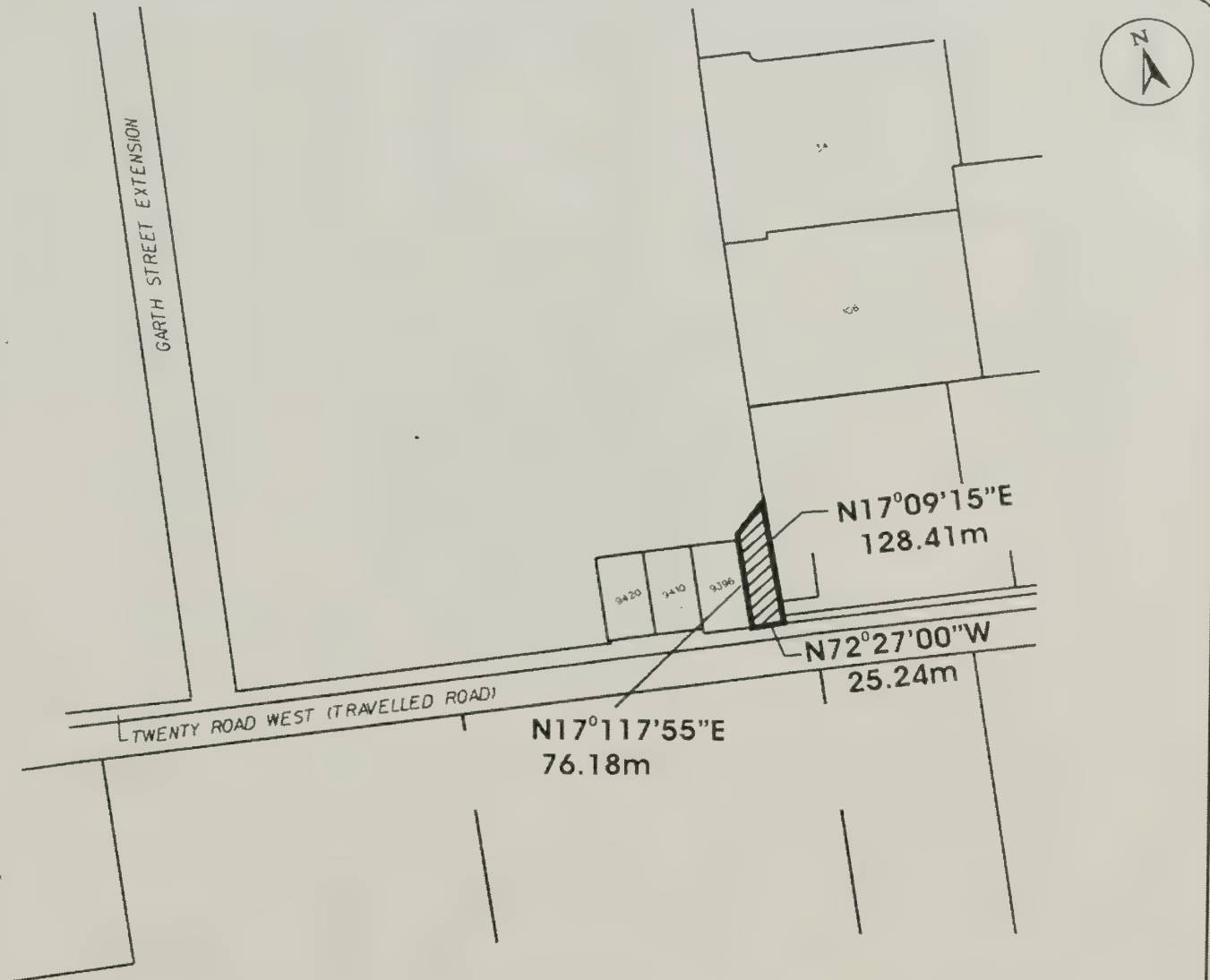


~~_____~~
Clerk
~~_____~~
Mayor

Mayor

Hamilton

CL



This is Schedule "B" to By-Law No. 03—284

Passed the 15th day of October, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "B"

Map Forming Part of
By-Law No. 03-284
to Amend By-Law No. 464



Hamilton

Planning and Development Department

Legend



Change from the site-specific Multiple Residential "RM3-162" Zone to the site-specific Private Open Space "OS1-162" Zone.

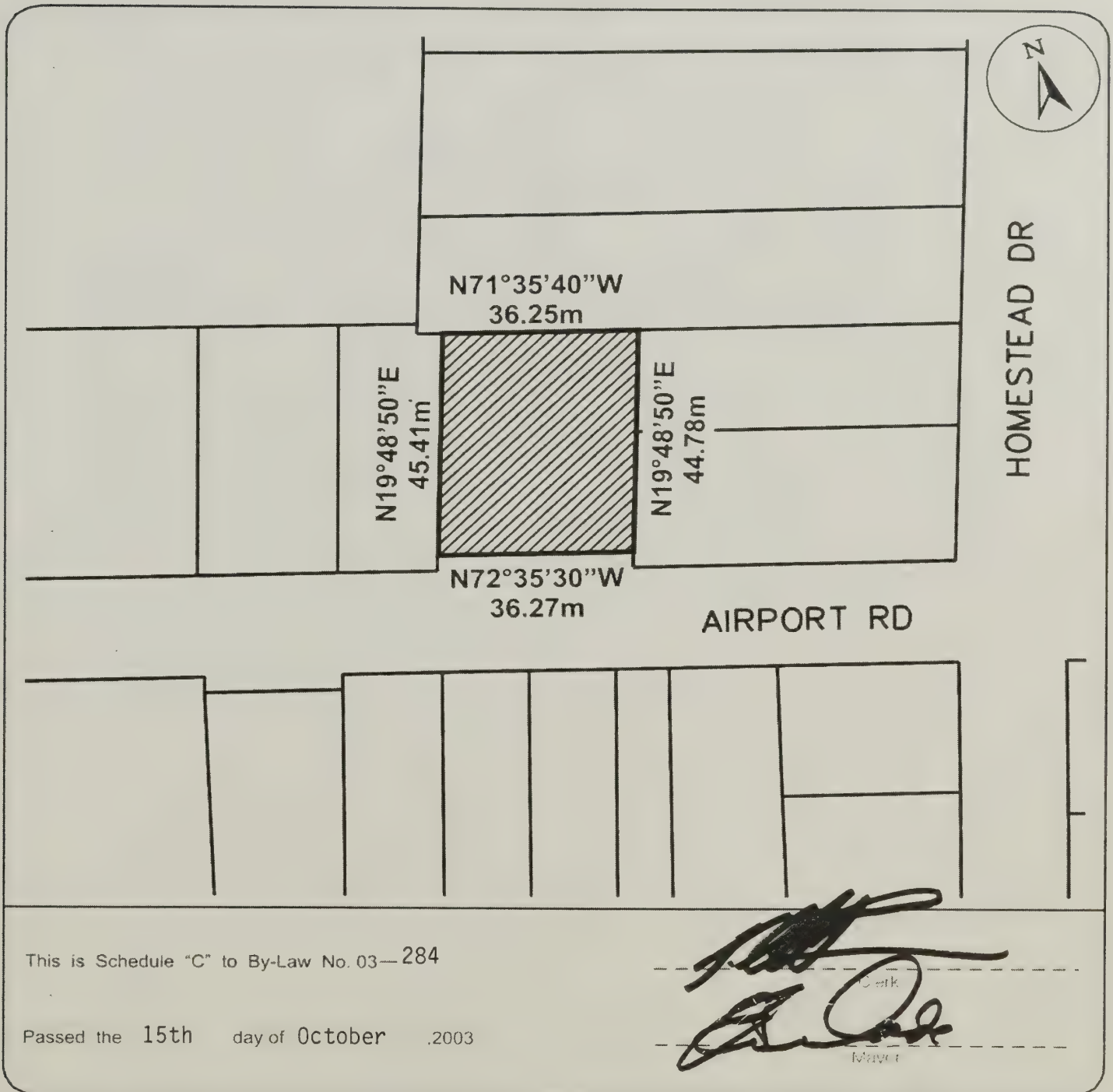


NOT TO SCALE

July 23, 2003

CI-03-F

LM



Schedule "C"

Map Forming Part of
By-Law No. 03-284
to Amend By-Law No. 464



Hamilton

Planning and Development Department

Legend



Subject Property

Change from the General Commercial
"H-C-3" Zone to the site-specific General
Commercial "H-C3-181" Zone

North



NOT TO SCALE

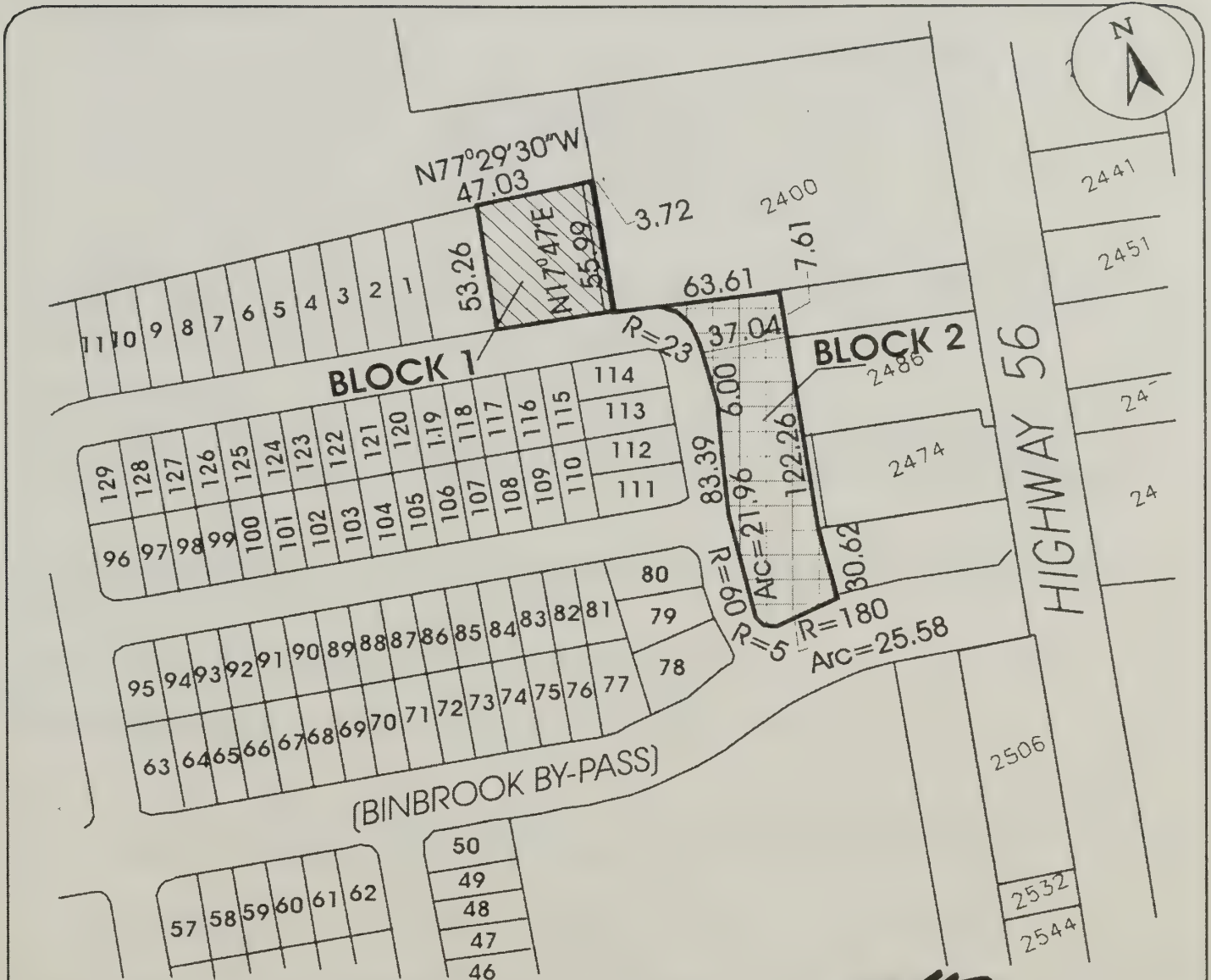
Date
July 23, 2003

By-Law No.

CI-03-F

Drawn By

MC



This is Schedule "D" to By-Law No. 03—284

Passed the 15th day of October , 2003

Schedule "D"

Map Forming Part of
By-Law No. 03- 284
to Amend By-Law No 464



Hamilton

Planning and Development Department

Legend



Subject Property

Block 1 - Change from the
Residential Multiple "RM4" Zone to the
Residential Multiple "RM2" Zone



Block 2 - Change from the
Residential Multiple "RM4" Zone to the
Residential Multiple "RM2" Zone

Note



Scale
NOT TO SCALE

Date
August 20, 2003

Project File Name

CI-03-F

Drawn By

NM

C44 ON HBL A08
B91

Authority: Item 19, Committee of the Whole
Report 03-024 (PW03122)
CM: September 10, 2003

Bill No. 285

**CITY OF HAMILTON
BY-LAW NO. 03-285
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Leslie Eastbound and Westbound West 27th"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003



MAYOR



CLERK

20A 104 40 4A3
198

CAN ON HBL A08
B91

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001

Bill No. 286

CITY OF HAMILTON

BY-LAW NO. 03- 286

To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Parking Meters) of By-law No. 01-218, as amended, is hereby further amended by deleting from Subsection 2(a) of Section "E" thereof (2 hours at 50¢ per hour) the following item, namely:

"Province West Main to 85 ft. north"

2. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Bendamere Both Garth to the western 3 hr Anytime Anyday
intersection with
Briarwood"

Connaught West King to 93 ft. north 1 hr 8 am – 6 pm Mon - Sat"

198
CH 04 HBT 001

and by adding to Section "E" thereof the following items, namely:

"Bendamere	Both	Garth to West 19 th	3 hr	Anytime	Anyday
Burlington	South	Catharine to 31.5m easterly	15 min	Anytime	Anyday
Connaught	West	King to Cannon	2 hr	Anytime	Anyday"

3. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Roxborough	North	Berkindale to east city limits	Anytime
Sherman	East	from 7.6m south of Case to 8.5m southerly	9:00 a.m. to 5:00 p.m." Monday to Saturday

and by adding to Section "E" thereof the following item, namely:

"Fairfield	East	Britannia to Roxborough	Anytime
Roxborough	Both	Berkindale to the former Hamilton- Stoney Creek Boundary	Anytime"

and by deleting from Section "F" thereof the following item, namely:

"Lincoln Road	West	from 33.8m south of Carpenter Avenue to 62.8m southerly	8:00 a.m. to 4:30 p.m." Monday to Friday
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and by adding to Section "G(II)" thereof the following item, namely:

"Sherman	East	from 7.6m south of Case to 8.5m southerly	9:00 a.m. to 5:00 p.m." Monday to Friday
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4. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Province Street North Main Street East to Cannon Street East	East	West"
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and by adding to Section "E" thereof the following items, namely:

"Connaught Avenue North from 28.4m north of King to Cannon	East	West
Province Street from 25.9m north of Main Street to Cannon Street	East	West"

5. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Biggar	North	commencing 449 feet west of Lottridge extending 40 feet westerly therefrom	Anytime
Newlands	South	commencing at a point 197 feet west of Cope to a point 22 feet westerly therefrom	Anytime"

and by adding to Section "E" thereof the following items, namely:

"Biggar	North	from 143m west of Lottridge to 6.1m westerly	Anytime
Cavell	East	from 25.9m north of Primrose to 5.3m northerly	Anytime
Cavell	West	from 26.8m north of Primrose to 4.4m northerly	Anytime
Cumberland	South	from 57m west of the extended west curb line of Lorne to 5.9m westerly	Anytime
Douglas	West	from 28.6m north of Francis to 4.9m northerly	Anytime
Douglas	East	from 20.4m north of Francis to 6.7m northerly	Anytime
Graham	West	from 91.3m south of Roxborough to 6.1m southerly	Anytime
Hope	South	from 70m west of Cope to 6.1m westerly	Anytime
Kinrade	West	from 143m south of Barton to 5.8m southerly	Anytime

Tisdale	West	from 36.6m north of King William to 5.8m northerly	Anytime"
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6. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Cranbrook	West	225 feet south of the extended south curb line of Greendale to 90 feet south of the extended south curb line of Garrow	7:00 am - 6:00 pm" Monday to Friday
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and by adding to Section "E" thereof the following items, namely:

"Beach Boulevard	East	from 1.2m south of the extended south curb line of Rembe to 30.2m southerly	Anytime
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Cranbrook	West	from 118m south of the extended south curb line of Greendale to 27.5m south of the extended south curb line of Garrow	7:00 a.m. to 6:00 p.m. Monday to Friday
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Concession	South	from 22.2m east of Upper Wentworth to 6m easterly	Anytime Except for Police Vehicles
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Concession	South	from 30.2m east of Upper Wentworth to 19.8m easterly	Anytime
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Concession	South	East 18th to 46 feet westerly	Anytime
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Concession	North	Upper Gage to 460 feet east	Anytime
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Concession	South	Upper Wellington to Vola	Anytime
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Concession	South	East 34th to 72 feet west	Anytime
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Concession	South	East 34th to 42 feet east	Anytime
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Concession	South	East 35th to 56 feet west	Anytime
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Concession	South	East 35th to 45 feet east	Anytime
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Concession	North	Wellington to 200 ft. westerly	Anytime
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Concession	North	170 ft. east of Poplar to 50 ft. east	Anytime
Concession	North	25 ft. east of the east limit of East 27th to 62 ft. east	Anytime
Concession	North	Exit from Henderson Hospital opposite Apartment 710 Concession to 40 ft. east	Anytime
Concession	North	460 ft. west of Sherman to 70 ft. west	Anytime
Concession	North	250 ft. west of Sherman to 85 ft. west	Anytime
Concession	North	East limit of Sherman to 80 ft. west	Anytime
Concession	North	From 84 ft. west of Wentworth	Anytime
Concession	South	From 184 ft. east of East 27th to 75 ft. easterly	Anytime
Concession	South	East 27th to a point 67 feet east	Anytime
Concession	South	East 26th to 44 ft. west	Anytime
Concession	North	Belwood to 77 ft. west	Anytime
Concession	North	commencing 48 feet east of East 26 th extending 65 feet easterly therefrom	Anytime
Concession	North	from 169 ft. west of Belwood to 180 ft. westerly	Anytime"

and by deleting from Section "F" thereof the following items, namely:

"Herbert Court	East	Lakeview Drive to southern end of Herbert Court	5:00 p.m. to 9:00 p.m. Monday to Thursday May to September
Lincoln Road	West	from 135.9m south of Carpenter Avenue to 28.9m southerly	8:00 a.m. to 4:30 p.m."

and by adding to Section "F" thereof the following items, namely:

"Herbert Court	East	Lakeview Drive to southern end of Herbert Court	Anytime
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Lincoln Road	West	from 33.8m south of Carpenter Avenue to 45.1m southerly	8:30 a.m. to 4:30 p.m. Monday to Friday
Lincoln Road	West	from 106.3m south of Carpenter Avenue to 21.6m north of the extended north curb line of Hazelwood Drive	8:30 a.m. to 4:30 p.m." Monday to Friday

and by deleting from Section "G" thereof the following items, namely:

"Concession	South	East 18th to 46 feet westerly	Anytime
Concession	North	Upper Gage to 460 feet east	Anytime
Concession	South	Upper Wellington to Vola	Anytime
Concession	South	East 34th to 72 feet west	Anytime
Concession	South	East 34th to 42 feet east	Anytime
Concession	South	East 35th to 56 feet west	Anytime
Concession	South	East 35th to 45 feet east	Anytime
Concession	North	Wellington to 200 ft. westerly	Anytime
Concession	North	170 ft. east of Poplar to 50 ft. east	Anytime
Concession	North	25 ft. east of the east limit July 5/77 of East 27th to 62 ft. east	Anytime
Concession	North	Exit from Henderson Hospital opposite Apartment 710 Concession to 40 ft. east	Anytime
Concession	North	460 ft. west of Sherman to 70 ft. west	Anytime
Concession	North	250 ft. west of Sherman to 85 ft. west	Anytime
Concession	North	East limit of Sherman to 80 ft. west	Anytime
Concession	North	From 84 ft. west of Wentworth	Anytime
Concession	South	From 184 ft. east of East 27th to 75 ft. easterly	Anytime

Concession	South	East 27th to a point 67 feet east	Anytime
Concession	South	East 26th to 44 ft. west	Anytime
Concession	North	Belwood to 77 ft. west	
Concession	North	commencing 48 feet east of East 26 th extending 65 feet easterly therefrom	Anytime
Concession	North	from 169 ft. west of Belwood to 180 ft. westerly	Anytime"

7. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Biggar	North	from 177.7m west of Lottridge to 9.1m westerly	Anytime
Cumberland	South	from 13.4m east of Holton to 6.7m easterly	10:00 a.m. to 6:00 p.m." Monday to Friday

8. Schedule 15 (Commercial Vehicle Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Concession	North	from 29.3m east of Upper Wentworth (north leg) to 14m easterly	Anytime
Barton	North	18 ft. 32 ft. east of Earl	Anytime
Barton	North	24 ft. 50 ft. west of Cope	Anytime
Barton	South	35 ft. 76 ft. east of John	Anytime
Bay	West	75 feet 50 feet north of King	Anytime
Cannon	North	42 feet 57 feet east of Chestnut	7:00 a.m. – 10:00 a.m. Mon – Fri
Concession	South	43 ft. 50 feet west of East 32 nd	8:00 a.m. – 6:00 p.m. Mon – Fri

Concession	North	30 ft.	9 ft. east of east street line of East 22 nd	Anytime
Herkimer	South	30 ft.	30 ft. east of Caroline	Anytime
Kenilworth	West	60 ft.	75 ft. south of Main	Anytime
King	North	21 ft.	50 ft. west of Holton	Anytime
King	South	37 ft.	90 ft. east of Locke	Anytime
King	South	35 ft.	147 ft. West of Olgilvie	Anytime
King	South	40 ft.	96 ft. west of Melrose	Anytime
King	South	38 ft.	65 ft. west of James	9:00 a.m. – 12:00 noon
King	South	67 ft.	219 ft. west of James	9:00 a.m. – 4:00 p.m.
King	South	16 ft.	277 ft. east of Wentworth	Anytime
Main	North	45 ft.	40 ft. west of Wellington	Anytime
Main	North	43 ft.	50 ft. east of Emerald	Anytime
Main	North	32 ft.	22 ft. west of Cline	9:00 a.m. – 11:00 a.m.
Main	North	34 ft.	80 ft. west of Connaught	8:00 a.m. – 4:00 p.m.
Main	South	30 feet	192 ft. east of Catharine	Anytime
Main	North	44 ft.	90 ft. west of Kenilworth	Anytime
Main	North	34 ft.	40 ft. west of Wellington	Anytime
Main	North	30 ft.	130 ft. west of Strathearne	Anytime
Main	South	39 ft.	145 ft. west of Sherman	9:00 a.m. – 4:00 p.m. Mon – Fri
Main	North	35 ft.	75 ft. west of Emerald	Anytime
Ottawa	East	59 ft.	197 ft. north of Roxborough	Anytime
Ottawa	West	122 ft.	362 ft. north of Beach Rd.	Anytime

Ottawa	West	169 ft. 692 ft. north of Beach Rd.	Anytime
Ottawa	West	150 ft. 212 ft. north of Beach Rd.	Anytime
Sherman	East	40 ft. 40 ft. south of Imperial	Anytime
Upper Sherman	West	37 ft. 75 ft. south of Queensdale	Anytime
Wellington	West	318 ft. Simcoe	Anytime
Wellington	East	40 ft. 30 ft. north of Robert	Anytime
Wellington	East	30 ft. 82 ft. south of King	7:00 a.m. – 6:00 p.m. Mon – Sat
Wilson	South	92 ft. 30 ft. west of Hughson	9:00 a.m. – 4:00 p.m.
Wilson St.	North	25 ft. 50 feet east at John	Anytime"

and by deleting from Section "G" thereof the following items, namely:

"Concession North	from 23.3m east of Upper Wentworth (north leg) to 20m easterly	Anytime
Kenilworth East	78 feet north of Newlands to 44 northerly	9:00 a.m. – 5:00 p.m." Monday to Saturday

and by deleting from Section "G" thereof in its entirety.

9. Schedule 20 (School Bus Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Cranbrook West	45 feet 180 feet south of the extended south curb line of Greendale	7:00 a.m. to 6:00 p.m." Monday to Friday
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and by adding to Section "E" thereof the following items, namely:

"Cranbrook West	from 55m south of the extended south curb line of Greendale to 63m southerly	7:00 a.m. to 6:00 p.m. Monday to Friday
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Quaker	East	from 20.7m south of the extended south curb line of Rowena to 31.7m southerly	7:00 a.m. to 6:00 p.m. Monday to Saturday
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Wendover	South	from 24m east of Magnolia to 70m easterly	7:00 a.m. to 6:00 p.m. Monday to Friday
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and by deleting from Section "F" thereof the following item, namely:

"Lincoln Road	West	from 96m south of Carpenter Avenue to 39.3m southerly	8:00 a.m. to 4:30 p.m. Monday to Friday
---------------	------	---	--

and by adding to Section "F" thereof the following item, namely:

"Lincoln Road	West	from 78.9m south of Carpenter Avenue to 27.4m southerly	8:30 a.m. to 4:30 p.m. Monday to Friday
---------------	------	---	--

10. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
11. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003.



MAYOR


CITY CLERK

CAN HBL AOK
391

Authority: Item 3, Committee of the Whole
Report 03-027 (PW03113)
CM: October 15, 2003

Bill No. 287

CITY OF HAMILTON
BY-LAW NO. 03-287
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

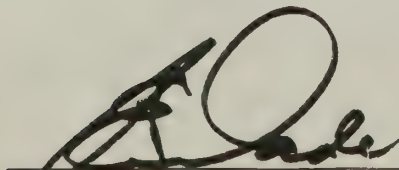
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Templemead Ingrid northerly Celac 40"
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 15th day of October, 2003



MAYOR



CLERK

321
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H 0 8

CAN HBL A08
B91

Authority: Item 4, Committee of the Whole
Report 03-027 (PW03134)
CM: October 15, 2003

Bill No. 288

**CITY OF HAMILTON
BY-LAW NO. 03-288
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

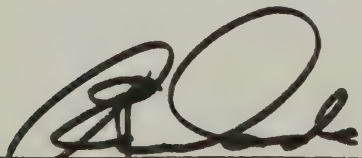
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Peter Eastbound and Westbound Ray"
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003



MAYOR



CLERK

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198

CAN HBL A08
391

Authority: Item 5, Committee of the Whole
Report 03-027 (PW03139)
CM: October 15, 2003

Bill No. 289

**CITY OF HAMILTON
BY-LAW NO. 03-289
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

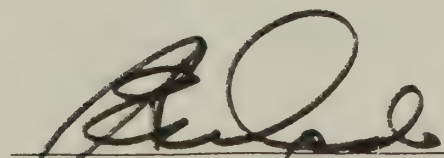
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Leander Eastbound Bay"
2. Schedule 8 (No Right Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Leander Eastbound Bay Anytime"
3. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003


MAYOR


CLERK

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CAN HBL A08
391

Authority: Item 18, Committee of the Whole
Report 03-027 (PW03136)
CM: October 15, 2003

Bill No. 290

CITY OF HAMILTON
BY-LAW NO. 03-290
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

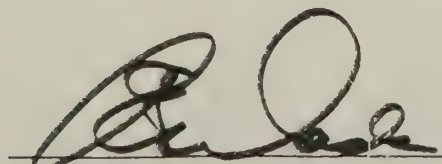
AND WHEREAS it is necessary to amend By-law No. 01-215;

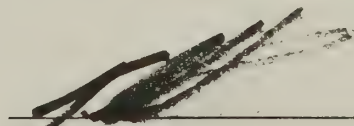
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "C" thereof the following item, namely:

"Bridgette Westbound Theodore"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003


MAYOR


CLERK

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C 64 H 60

CAN HBL A08
391

Authority: Item 18, Committee of the Whole
Report 03-027 (PW03136)
CM: October 15, 2003

Bill No. 290

CITY OF HAMILTON
BY-LAW NO. 03-290
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

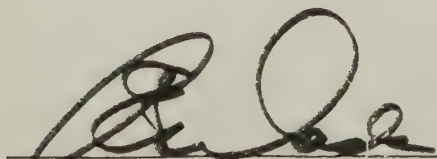
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "C" thereof the following item, namely:

"Bridgette Westbound Theodore"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of October, 2003


MAYOR


CLERK

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CAN HBL A08
B91

Authority: Item 22 Committee of the Whole
Report 03-029 (03-001)
CM: October 15, 2003

Bill No. 291

THE CITY OF HAMILTON

BY-LAW NO. 03-291

To Amend
Cemeteries By-law No. 8861
Respecting:

REVISED TARIFF OF CHARGES

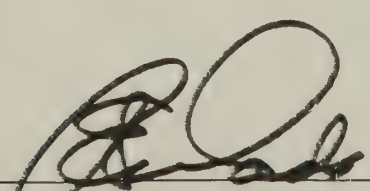
WHEREAS By-law No. 8861, passed on the 12th day of January 1960, in accordance with the Cemeteries Act, established a tariff of charges;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 22 of the 29th Report of the Committee of the Whole on October 15, 2003, directed that By-law No. 8861, as amended, be further amended to provide for an increase in the tariff of charges for 2004.

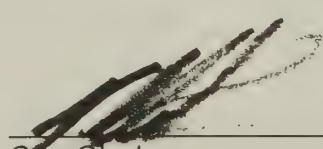
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. (a) By-law No. 8861, as amended by By-laws No. 74-303, 76-187, 76-337, 77-292, 78-276, 79-319, 80-229, 81-219, 83-42, 84-323, 84-268, 86-11, 87-22, 88-40, 88-274, 89-363, 90-16, 90-344, 92-185, 93-019, 93-245, 95-048, 96-005, 96-206, 98-146, 01-168 and By-law 02-337 is further amended by deleting Schedule "A-2003" and substituting in lieu thereof Schedule "A-2004, hereto annexed and forming part of this By-law.
- (b) In all other respects, By-law 8861, as amended is hereby confirmed unchanged.
2. The Manager of Cemeteries is hereby authorized and directed to make application to the Minister of Consumer and Commercial Relations, Cemeteries Branch, for approval of this By-law.

PASSED and enacted this 15th day of October, 2003.



Mayor



City Clerk

304 484 001
Bd.

Page 1

SINGLE GRAVES						
	Tier One		Tier Two		Tier Three	
	Hamilton, Woodland, Eastlawn, Mt. Hamilton, Bartonstone, Bartonville, Binkley, Burkholder United, Smith, St. George's, St. Peter's, Trinity Church, St. Creek Cemetery		Mount Zion, Grove, Mountview, Glanbrook & Garden Lane		All other Rural Church, Pioneer and Family Cemeteries	
	G.S.T.	TOTAL	G.S.T.	TOTAL	G.S.T.	TOTAL
Adult Single-In-A-Row Grave (Graves cannot be selected or purchased in advance, but are opened in sequence)	\$679.00	\$47.53		\$726.53		
Preferred Single (Where grave may be selected and purchased in advance of need)	\$1,158.00	\$81.06		\$1,239.06		
Veteran's Grave	\$647.00	\$45.29		\$692.29		
Child (Single-in-a-Row)						
Stillborn - Case up to 24"	\$83.00	\$5.81		\$88.81		
Child Gr - Case 25" - 60"	\$167.00	\$11.69		\$178.69		
Child Gr - Case 61" - 72"	\$194.00	\$13.58		\$207.58		
* Non-Residents - additional 25% on all property						
Note: Personal Columbariums & Mausoleums are available on an individual basis						
40% of Grave Sales goes into Care & Maintenance						

Single Graves - Non Resident Rates

	Tier One		Tier Two		Tier Three	
	G.S.T.	TOTAL	G.S.T.	TOTAL	G.S.T.	TOTAL
Adult Single-In-A-Row Grave (Graves cannot be selected or purchased in advance, but are opened in sequence)						
	\$59.43	\$908.43				
Preferred Single (Where grave may be selected and purchased in advance of need)						
	\$101.36	\$1,549.36	\$78.12	\$1,194.12	\$57.75	\$882.75
Veteran's Grave						
	\$56.49	\$863.49				
Child (Single-in-a-Row) Stillborn - Case up to 24" Child Gr - Case 25" - 60" Child Gr - Case 61: - 72"						
	\$7.28	\$111.28				
	\$14.63	\$223.63				
	\$17.08	\$261.08				
* Non-Residents - additional 25% on all property Note: Personal Columbariums & Mausoleums are available on an individual basis 40% of Grave Sales goes into Care & Maintenance						

Hamilton, Woodland, Eastlawn, Mt.
Hamilton, Bartonstone, Bartonville,
Binkley, Burkholder United, Smith, St.
George's, St. Peter's, Trinity Church,
St. Creek Cemetery

Mount Zion, Grove, Mountview,
Glanbrook & Garden Lane

All other Rural Church, Pioneer and
Family Cemeteries

***Non-Resident - additional 25% on all graves/lots**
40% of Grave Sales goes into Care & Maintenance

Lots - Non Resident Rates						
	Tier One		Tier Two		Tier Three	
	G.S.T.	TOTAL	G.S.T.	TOTAL		
					Mount Zion, Grove, Mountview, Glanbrook & Garden Lane	All other Rural Church, Pioneer and Family Cemeteries
<u>Two Grave Lots:</u>						
Two Grave Lots	\$3,746.00	\$4,008.22	\$2,840.00	\$3,038.80	\$2,130.00	\$2,279.10
Eastlawn Cemetery - 6 ft burials	\$2,650.00	\$2,835.50	\$2,060.00	\$2,204.20	\$1,561.00	\$1,670.27
Hamilton Cemetery	\$4,621.00	\$4,944.47				
Woodland - Section 14 (2-graves)	\$5,376.00	\$5,752.32				
<u>Three-Grave Lots:</u>						
Three-Grave Lots	\$4,870.00	\$5,210.90	\$3,799.00	\$4,064.93	\$2,840.00	\$3,038.80
Woodland - Section 14 (3-graves)	\$6,465.00	\$6,917.55				
<u>Four-Grave Lots:</u>						
Four-Grave Lots	\$6,382.00	\$6,828.74	\$5,683.00	\$6,080.81		
Woodland - Section 15 (4-graves)	\$10,579.00	\$11,319.53				
40% of Grave Sales goes into Care & Maintenance						

Cremation					
	TIER ONE		TIER TWO		TIER THREE
		G.S.T.	TOTAL	G.S.T.	TOTAL
	Hamilton, Woodland, Eastlawn, Mt. Hamilton, Bartonstone, Bartonville, Binkley, Burkholder United, Smith, St. George's, St. Peter's, Trinity Church, St. Creek Cemetery			Mount Zion, Grove, Mountview, Glanbrook & Garden Lane	
<u>Cremation Graves:</u>					
Urn Garden Grave	\$507.00	\$35.49	\$542.49	\$30.94	\$394.00
Urn Garden 3 (Woodland)	\$827.00	\$57.89	\$884.89		\$421.58
<u>Columbarium:</u>					
Columbarium - Upper Level	\$1,714.00	\$119.98	\$1,833.98	\$66.71	\$835.00
Columbarium - Lower Level	\$1,298.00	\$90.86	\$1,388.86		\$58.45
Monument Columbarium	\$1,796.00	\$125.72	\$1,921.72		\$893.45
Columbarium - Hamilton Cemetery	\$2,310.00	\$161.70	\$2,471.70		
<u>Other:</u>					
Cremorial	\$1,162.00	\$81.34	\$1,243.34		

* Non-Resident - additional 25% on
lots/graves

15% - of Columbarium & Cremorial
Sales goes into Care and Maintenance

**City of Hamilton
Tariff of Charges - 2004**

Cremation - Non Resident						
	TIER ONE		TIER TWO		TIER THREE	
	Hamilton, Woodland, Eastlawn, Mt. Hamilton, Bartonstone, Bartonville, Binkley, Burkholder United, Smith, St. George's, St. Peter's, Trinity Church, St. Creek Cemetery		Mount Zion, Grove, Mountview, Glanbrook & Garden Lane		All other Rural Church, Pioneer and Family Cemeteries	
	G.S.T.	TOTAL	G.S.T.	TOTAL	G.S.T.	TOTAL
<u>Cremation Graves:</u>						
Urn Garden Grave	\$604.00	\$42.28	\$646.28	\$527.00	\$36.89	\$563.89
Urn Garden 3 (Woodland)	\$1,034.00	\$72.38	\$1,106.38			
<u>Columbarium:</u>						
Columbarium - Upper Level	\$2,042.00	\$142.94	\$2,184.94	\$1,136.00	\$79.52	\$1,215.52
Columbarium - Lower Level	\$1,546.00	\$108.22	\$1,654.22			
Monument Columbarium	\$2,245.00	\$157.15	\$2,402.15			
Columbarium - Hamilton Cemetery	\$2,625.00	\$183.75	\$2,808.75			
<u>Other:</u>						
Cremorial	\$1,452.00	\$101.64	\$1,553.64			
* Non-Resident - additional 25% on lots/graves						
15% - of Columbarium & Cremorial Sales goes into Care and Maintenance						

OPENING & CLOSING**Adult Burials:**

6 ft. Adult
8 ft. Adult
Mausoleum

Children Burials:

6 ft. Child - Case up to 24"
- Case 25" - 42"
- Case 43" - 60"
- Case 61" - 72"

8 ft. Child - Case up to 60"
- Case 61" - 72"

Cremation Interments:

Urn Garden Graves
Columbarium
Cremorial

Overtime - Traditional Burials - ***Overtime - Cremation Interments***

* other than Saturdays of Scheduled Long Weekends

* regular burial fees are to be charged **plus** overtime charges

TOTAL**G.S.T.**

\$681.59
\$881.68
\$485.78

\$637.00
\$824.00
\$454.00

\$92.02
\$197.95
\$287.83
\$375.57

\$86.00
\$185.00
\$269.00
\$351.00

\$334.91
\$506.11

\$313.00
\$473.00

\$240.75
\$164.78
\$87.74

\$225.00
\$154.00
\$82.00

\$524.30
\$256.80

\$34.30
\$16.80

LOWERING (Includes Opening, Closing, Lowering & Closing)

<u>Adult:</u> From 6 ft. to 8 ft. - Shell From 6 ft. to 8 ft. - Vault or Crypt	\$2,847.00 \$2,373.00	\$199.29 \$166.11	\$3,046.29 \$2,539.11
<u>Child:</u> From 6 ft. to 8 ft. - Shell From 6 ft. to 8 ft. - Vault or Crypt	\$1,426.00 \$1,185.00	\$99.82 \$82.95	\$1,525.82 \$1,267.95

REMOVAL

<u>Adult:</u> Adult - Shell Adult - Concrete Vault or Crypt	\$2,541.00 \$2,086.00	\$177.87 \$146.02	\$2,718.87 \$2,232.02
<u>Child:</u> Child - Shell Child - Concrete Vault or Crypt	\$879.00 \$718.00	\$61.53 \$50.26	\$940.53 \$768.26
<u>Cremation:</u>	\$225.00	\$15.75	\$240.75

ADDITIONAL SERVICES

CRYPTS:

- Youth
- Social Services
- Intermediate
- Oversize

FLOWER BEDS:

Supply, install & maintain flower bed -
(per grave - to a maximum of three graves)

Transfer of Lot Ownership:

Tent:

Family Tree Research: (per name)

G.S.T.	TOTAL
\$26.88	\$410.88
\$26.25	\$401.25
\$28.91	\$441.91
\$30.66	\$468.66
\$10.50	\$160.50
\$4.20	\$64.20
\$13.86	\$211.86
\$0.21	\$3.21

ARTICLES

- Bronze Plaque for Cremorial
- Bronze Plaque for Columbarium Niche
- Companion Vase (plastic) on Niche
- Memorial Tree Planting:
(12"x10" Stone; 6"x8" Bronze Plaque, 3 Lines*)
- Memorial Bench:
(8"x5" Bronze Plaque; 3 Lines ONLY)
- Temporary Marker
- Flower Pot Hanger
- Installation Fee (plaques and/or vases)
- Vases - Individually Priced

\$13.16	\$201.16
\$29.47	\$450.47
\$5.74	\$87.74
\$37.52	\$573.52
\$69.37	\$1,060.37
\$3.71	\$56.71
\$1.54	\$23.54
\$5.95	\$90.95

Markers & Foundations - 2004**FOUNDATIONS:**

Foundation: pouring per square inch of surface area (to be poured to a maximum five foot depth)

MARKER SETTING FEE:

12" X 10" Flat Marker

Child's - 18" x 14" Flat Marker

Any other size Flat Marker

Maximum Size: 24" long x 18" wide
(4" minimum & 8" maximum thickness)

**** Care & Maintenance Fee of \$50.00+\$3.50 GST to be charged for all markers 173 square inches and greater**

Bronze Vase

DVA Upright or Flat Marker

G.S.T.	TOTAL
\$0.07	\$1.13
\$7.42	\$113.42
\$7.42	\$113.42
\$11.13	\$170.13
\$11.13	\$170.13
\$9.31	\$142.31

\$1.06

\$106.00

\$106.00

\$159.00

\$159.00

\$133.00

CRA4 HBL A08
B91

Authority: OMB Decision 1268
September 19, 2002

Bill No. 292

CITY OF HAMILTON

BY-LAW NO. 03-292

To Adopt:

Official Plan Amendment No.90 to the Former Town of Ancaster Official Plan;

Respecting:

Part of the lands at 439 Shaver Road

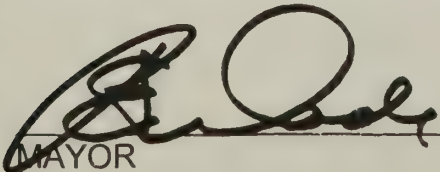
WHEREAS the Ontario Municipal Board in its decision dated September 19, 2002, approved OPA #70, to the former Town of Ancaster Official Plan and implemented by By-law No.

WHEREAS OPA #70 contains technical errors in both the text and Schedule;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 90 to the Official Plan of the former Town of Ancaster Planning Area consisting of Schedule A, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 15th day of October, 2003.


MAYOR


CLERK

21
C 44 1481 108

Amendment No. 90
to the
Official Plan of the Former Town of Ancaster

The following text and Schedule "F", Specific Policy Areas, attached hereto, constitute Official Plan Amendment No. 90.

1.0 Purpose:

The purpose of the Amendment is to correct the numbering in both the text and the Schedule established through OPA #70 and approved by the Ontario Municipal Board. (OMB Decision No. 1268 dated September 19, 2002)(OMB Tracking #02-382)

2.0 Location:

The lands affected by this Amendment are comprised of 2.46 hectares (6.08 acres) of land located on the east side of Shaver Road, south of Wilson Street West, on part of the lands known municipally as 439 Shaver Road in the (former Town of Ancaster), now in the City of Hamilton.

3.0 Basis:

OPA 70 included text references to incorrect Sections and specific policy numbers. Further, the location of the subject lands was inadvertently left off Schedule "F". Changes are required to ensure the intent of OPA 70 is maintained and the appropriate policies and text are included in the Official Plan.

4.0 Actual Changes:

1. That Section "5.7.____" is amended and renumbered as follows:

- 5.10.11 Notwithstanding Policy 6.2.5.1(l)(v), in addition to low rise apartments, street and block townhouses shall be permitted on the lands identified as Specific Policy Area 32d on Schedule "F". Further, the development of street and block townhouses shall be permitted at a minimum density of 40 units per hectare and shall not exceed a maximum density of 62 units per hectare.

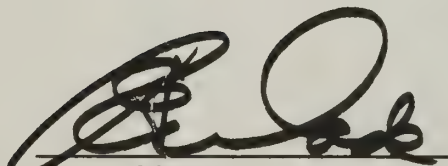
2. That Schedule "F" – Specific Policy Areas, of the Official Plan of the former Town of Ancaster be revised by adding the subject lands located at 439 Shaver Road as Specific Policy Area No. 32d, as shown on Schedule "A" to this Amendment.

5.0 Implementation:

The provisions of Section 7: Implementation of the former Town of Ancaster Official Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. 03-292 passed on the 15th day of October, 2003.

**The
City of Hamilton**



Mayor

City Clerk

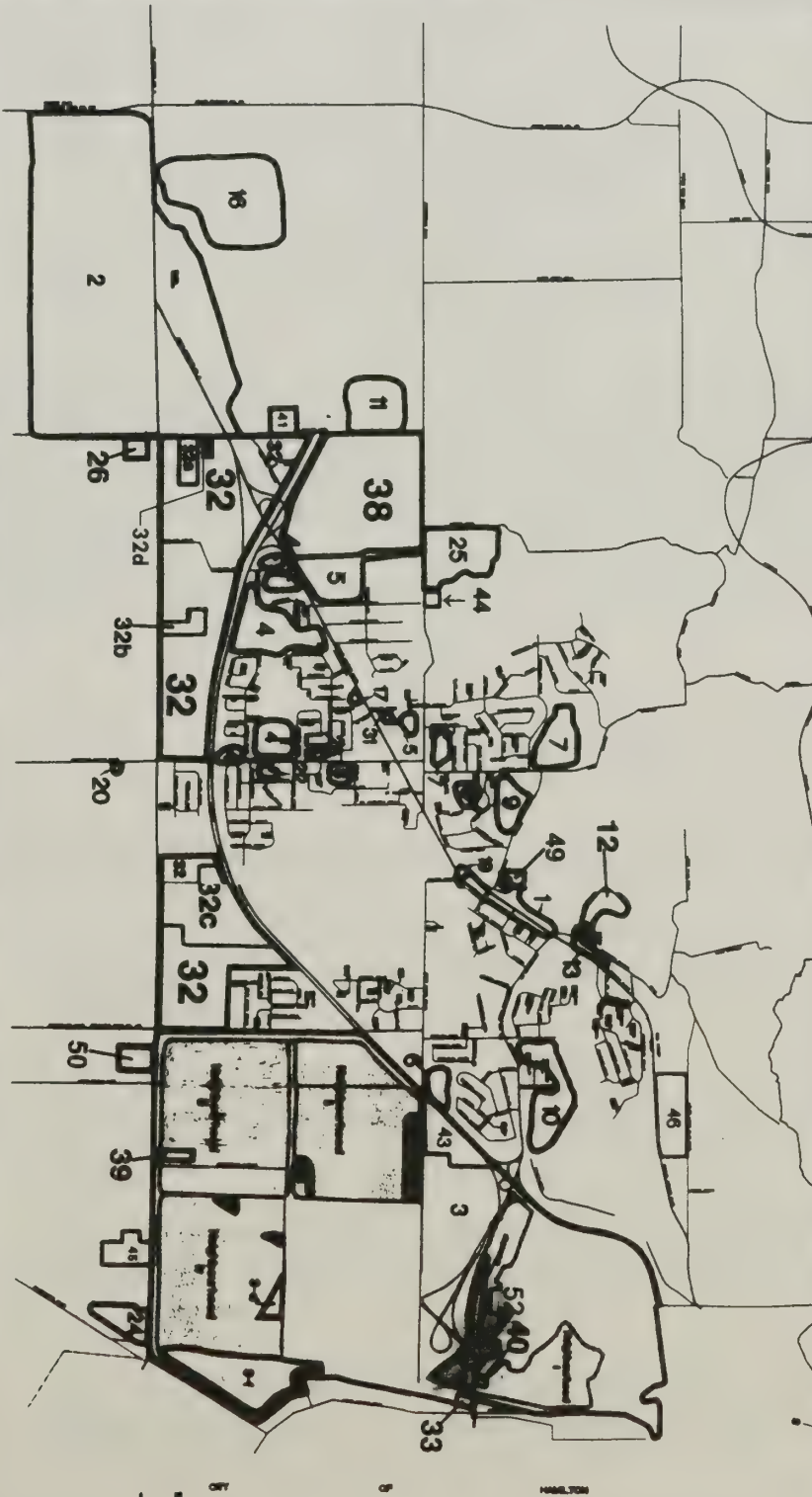
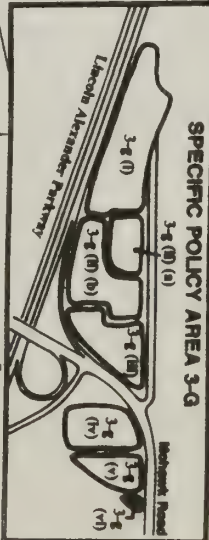
Schedule "A"
Amendment No. 90
to the Former Town of Ancaster
Official Plan

■ Add Subject lands as Specific Policy Area No. 32d

Date: July, 2003
 Revised by: Kyle MacInyre
 Reference File No.: Board Order No. 1268

TOWN OF DUNGAS

SPECIFIC POLICY AREA 3-G



Legend

Specific Policy Areas
 Area 1 - refer to subsection 5.4
 Area 2 - refer to subsection 5.5
 Area 3 - refer to subsection 5.6

- 3-G refer to Policy 5.6.10
- 3-G refer to Policy 5.6.11
- 3-G refer to Policy 5.6.12

- Area 4 - refer to Policy 5.7.1
- Area 5 - refer to Policy 5.7.2
- Area 6 - refer to Policy 5.7.3
- Area 7 - refer to Policy 5.7.4
- Area 8 - refer to Policy 5.7.5
- Area 9 - refer to Policy 5.7.6
- Area 10 - refer to Policy 5.7.7
- Area 11 - refer to Policy 5.7.8
- Area 12 - refer to Policy 5.7.9
- Area 13 - refer to Policy 5.7.10
- Area 14 - refer to Policy 5.7.11
- Area 15 - refer to Policy 5.7.12
- Area 16 - refer to Policy 5.7.13
- Area 17 - refer to Policy 5.7.14
- Area 18 - refer to Policy 5.7.15
- Area 19 - refer to Policy 5.7.16
- Area 20 - refer to Policy 5.7.17
- Area 21 - refer to Policy 5.7.18
- Area 22 - refer to Policy 5.7.19
- Area 23 - refer to Policy 5.7.20
- Area 24 - refer to Policy 5.7.21
- Area 25 - refer to Policy 5.7.22
- Area 26 - refer to Policy 5.7.23
- Area 27 - refer to Policy 5.7.24
- Area 28 - refer to Policy 5.7.25
- Area 29 - refer to Policy 5.7.26
- Area 30 - refer to Policy 5.7.27
- Area 31 - refer to Policy 5.7.28
- Area 32 - refer to Policy 5.7.29
- Area 33 - refer to Policy 5.7.30
- Area 34 - refer to Policy 5.7.31
- Area 35 - refer to Policy 5.7.32
- Area 36 - refer to Policy 5.7.33
- Area 37 - refer to Policy 5.7.34
- Area 38 - refer to Policy 5.7.35
- Area 39 - refer to Policy 5.7.36
- Area 40 - refer to Policy 5.7.37
- Area 41 - refer to Policy 5.7.38
- Area 42 - refer to Policy 5.7.39
- Area 43 - refer to Policy 5.7.40
- Area 44 - refer to Policy 5.7.41
- Area 45 - refer to Policy 5.7.42
- Area 46 - refer to Policy 5.7.43
- Area 47 - refer to Policy 5.7.44
- Area 48 - refer to Policy 5.7.45
- Area 49 - refer to Policy 5.7.46
- Area 50 - refer to Policy 5.7.47
- Area 51 - refer to Policy 5.7.48
- Area 52 - refer to Policy 5.7.49

Neighbourhood Area Boundaries

SPECIFIC POLICY AREA

SCHEDULE F

TO THE OFFICIAL PLAN
 AND
 THE TOWN OF DUNGAS
 REVISED 12/09/02

CAN HBL A08
B91

Authority: Item 1, Hearings Sub-Committee
Report: 03-033 (PD03247)
CM: October 15, 2003

Bill No. 293

CITY OF HAMILTON

BY-LAW NO. 03-293

To Adopt:

Official Plan Amendment No. 96 to the former Town of Ancaster Official Plan;
Official Plan Amendment No. 8 to the former Town of Dundas Official Plan;
Official Plan Amendment No. 95 to the former Town of Flamborough Official Plan;
Official Plan Amendment No. 43 to the former Township of Glanbrook Official Plan;
Official Plan Amendment No. 191 to the former City of Hamilton Official Plan; and,
Official Plan Amendment No. 102 to the former City of Stoney Creek Official Plan.

Respecting:

Site Plan Control Policies

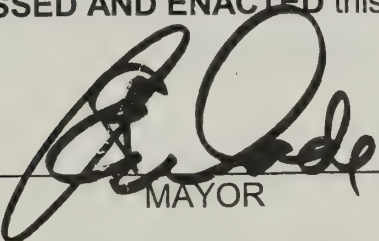
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 96 to the Official Plan of the Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. Amendment No. 8 to the Official Plan of the Dundas Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
3. Amendment No. 95 to the Official Plan of the Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
4. Amendment No. 43 to the Official Plan of the Glanbrook Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
5. Amendment No. 191 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

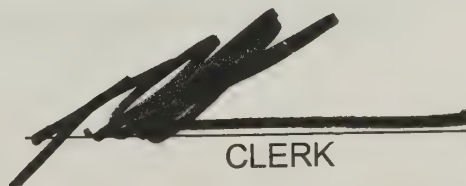
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CAB 484 480
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6. Amendment No. 102 to the Official Plan of the Stoney Creek Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
7. It is hereby authorized and directed that such approval of the Official Plan Amendments referred to in sections 1 to 6 inclusive, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 15th day of October, 2003.



MAYOR



CLERK

Amendments

to the

**Official Plans of the former Town of Ancaster, former Town of Dundas,
former Town of Flamborough, former Township of Glanbrook, former
City of Hamilton and former City of Stoney Creek**

The following text constitutes:

1. Official Plan Amendment No. 96 to the former Town of Ancaster Official Plan;
2. Official Plan Amendment No. 8 to the former Town of Dundas Official Plan;
3. Official Plan Amendment No. 95 to the former Town of Flamborough Official Plan;
4. Official Plan Amendment No. 43 to the former Township of Glanbrook Official Plan;
5. Official Plan Amendment No. 191 to the former City of Hamilton Official Plan; and,
6. Official Plan Amendment No. 102 to the former City of Stoney Creek Official Plan.

Purpose:

The purpose of these Amendments is to provide changes to the Site Plan Control policies of the Official Plans of the former Towns of Ancaster, Dundas, Flamborough, the former Township of Glanbrook and the former Cities of Hamilton and Stoney Creek.

Basis:

The basis for permitting these Amendments is as follows:

- The Planning Act requires a municipality to establish a proposed site plan control area through Official Plan policy.
- Existing policies in the former area municipality's Official Plans are inconsistent and, in some areas, conflicting.
- One consistent set of site plan control policies is desirable and necessary in order

to proceed with the adoption of a single Site Plan Control by-law for the amalgamated City of Hamilton.

Actual Changes:

1. Former Town of Ancaster

- (a) That the title of Section 7.2 ZONING BY-LAW AND SITE PLAN CONTROL be revised to read "**7.2 ZONING BY-LAW**".
- (b) That Sections 7.2.4 through Section 7.2.8 be deleted.
- (c) That a new section 7.2A be added as follows:

"7.2A SITE PLAN CONTROL

Site Plan Control shall be used, as a condition of approval for development proposals, to achieve the following planning objectives:

- (i) Promote pedestrian scale development and land use compatibility.
- (ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.
- (iii) Preserve and enhance community character by integrating heritage features and important views in site designs.
- (iv) Integrate ecologically important features into site designs to protect and enhance their functions.
- (v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

7.2A.1 Council shall use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this plan. Accordingly the entire area within the Town of Ancaster Planning Area shall be established as a proposed Site Plan Control Area.

7.2A.2 Although the entire area within the Town is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development shall be exempt.

7.2A.3 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.

- 7.2A.4 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provision of Subsection 3.2.2 – “General Policies”.

2. Former Town of Dundas

- (a) That Section 5.6 be deleted in its entirety and replaced with the following:

“5.6 SITE PLAN CONTROL

Site Plan Control will be used, as a condition of approval for development proposals, to achieve the following planning objectives:

- (i) Promote pedestrian scale development and land use compatibility.
- (ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.
- (iii) Preserve and enhance community character by integrating heritage features and important views in site designs.
- (iv) Integrate ecologically important features into site designs to protect and enhance their functions.
- (v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

- 5.6.1 Council will use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly the entire area within the Town of Dundas Planning Area will be established as a proposed Site Plan Control Area.
- 5.6.2 Although the entire area within the Town is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development will be exempt.
- 5.6.3 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.
- 5.6.4 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provisions of Section 4.2 – TRANSPORTATION SYSTEM.”

- (b) That policy 3.1.3.6 be amended by changing the words "Sub-section 5.5" to "Sub-section 5.6".
- (c) That policy 4.2.3.9 be amended by changing the words "Sub-section 5.5." to "Sub-section 5.6".
- (d) That policy 3.11.4.5 a) (ii) be amended by changing "policy 5.5.1.3" to "the policies in Section 5.6".

3. Former Town of Flamborough

- (a) That Section F.5 be deleted in its entirety and replaced with the following:

"F.5 SITE PLAN CONTROL

Site Plan Control shall be used, as a condition of approval for development proposals, to achieve the following planning objectives:

- (i) Promote pedestrian scale development and land use compatibility.
- (ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.
- (iii) Preserve and enhance community character by integrating heritage features and important views in site designs.
- (iv) Integrate ecologically important features into site designs to protect and enhance their functions.
- (v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

F.5.1 Council shall use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly the entire area within the Town of Flamborough Planning Area shall be established as a proposed Site Plan Control Area.

F.5.2 Although the entire area within the Town is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development shall be exempt.

F.5.3 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.

- F.5.4 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provisions of Section D.5 – THE TRANSPORTATION SYSTEM.”

4. Former Township of Glanbrook

- (a) That Section G.8 be deleted in its entirety and replaced with the following section:

“G.8 SITE PLAN CONTROL

Site Plan Control shall be used, as a condition of approval for development proposals, to achieve the following planning objectives:

- (i) Promote pedestrian scale development and land use compatibility.
- (ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.
- (iii) Preserve and enhance community character by integrating heritage features and important views in site designs.
- (iv) Integrate ecologically important features into site designs to protect and enhance their functions.
- (v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

G.8.1 Council shall use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly the entire area within the Township of Glanbrook Planning Area shall be established as a proposed Site Plan Control Area.

G.8.2 Although the entire area within the Township is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development shall be exempt.

G.8.3 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.

G.8.4 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provisions of Section E.2 – ROAD TRANSPORTATION.”

5. Former City of Hamilton

- (a) That the preamble of Subsection D.3 – Zoning and Site Plan be revised to read as follows:

*"It is intended that the principal means of implementing this Plan and regulating land use will be by **ZONING BY-LAW** and **SITE PLAN CONTROL**. Accordingly, Amendments to the **ZONING BY-LAW** will be introduced for the purposes of conformity.*

***SITE PLAN CONTROL** will be used, as a condition of approval for development proposals, to achieve the following planning objectives:*

- i) Promote pedestrian scale development and land use compatibility.*
- ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.*
- iii) Preserve and enhance community character by integrating heritage features and important views in site designs.*
- iv) Integrate ecologically important features into site designs to protect and enhance their functions.*
- v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.*

*It is intended that land not be rezoned in order that the **SITE PLAN** and other details will be previewed prior to development going ahead. In this matter, amenity and design, population density, public works' requirements, environmental concerns, and all other related policies of this Plan or any Neighbourhood Plan, may be reviewed and appropriate **ZONING** regulations applied."*

- (b) That policy D.3.6 be deleted and replaced with the following policies and that the remaining policies in Subsection D.3 be renumbered, accordingly:

- "3.6 Council will use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly the entire area within the City of Hamilton Planning Area will be established as a proposed Site Plan Control Area.
- 3.7 Although the entire area within the City is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development will be exempt.
- 3.8 Council may establish the classes of development that are subject to Site Plan

Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.

- 3.9 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provisions of Subsection B.3.1 – Road Network.”

6. Former City of Stoney Creek

- (a) That Subsection F.6 be deleted in its entirety and replaced with the following:

“SUBSECTION F.6 – SITE PLAN CONTROL

Site Plan Control shall be used, as a condition of approval for development proposals, to achieve the following planning objectives:

- (i) Promote pedestrian scale development and land use compatibility.
 - (ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.
 - (iii) Preserve and enhance community character by integrating heritage features and important views in site designs.
 - (iv) Integrate ecologically important features into site designs to protect and enhance their functions.
 - (v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.
- 6.1 Council shall use the powers of Site Plan Control, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly the entire area within the City of Stoney Creek Planning Area shall established as a proposed Site Plan Control Area.
- 6.2 Although the entire area within the City is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development shall be exempt.
- 6.3 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act.
- 6.4 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the Subsection D.3.1 – ROAD

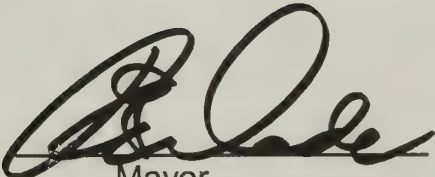
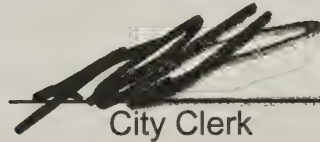
NETWORK.”

4.0 Implementation:

Section 5 – Implementation and Administration, of the Official Plan for the former Town of Dundas, Section F – Implementation of the Official Plan for the former Town of Flamborough, Section G – Implementation, of the Official Plan for the former Township of Glanbrook, Section D – Implementation, of the Official Plan for the former City of Hamilton, and Section F – Implementation, of the Official Plan for the former City of Stoney Creek, and a site plan control by-law will give effect to the amendments.

This is Schedule “1” to By-law No. 03-293 passed on the 15th day of October, 2003.

**The
City of Hamilton**


Mayor
City Clerk

Authority: Item 1, Hearings Sub- Committee
Report 03-033 (PD03247)
CM: October 15, 2003

Bill No. 294

CITY OF HAMILTON

BY-LAW NO. 03-294

TO ESTABLISH SITE PLAN CONTROL IN THE CITY OF HAMILTON

WHEREAS, under the provisions of Section 41 of the Planning Act, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area:

AND WHEREAS there are Official Plans in effect for the City of Hamilton that describe a proposed site plan control area and contain policies related to Site Plan Control;

AND WHEREAS it is desirable that the said policies of the said Official Plans be applied to the proposed site plan control area by way of a designation and implementation by-law;

AND WHEREAS the City of Hamilton is the lawful successor to the former municipal corporations identified in Section 11.0 of this by-law:

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1.0 In this section:

1.1 "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 168(5) of the Municipal Act or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act.

1.2 "City" means City Of Hamilton.

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A By-law to Establish Site Plan Control in the City of Hamilton

- 1.3 "Land Titles Act" means the Land Titles Act, R.S.O. 1990, c. L. 5, as amended.
 - 1.4 "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
 - 1.5 "Ontario Heritage Act" means the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended.
 - 1.6 "owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry or Land Titles Office, and
 - 1.7 "person" includes an owner.
 - 1.8 "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13, as amended.
 - 1.9 "Registry Act" means the Registry Act, R.S.O. 1990, c. R.20, as amended.
- 2.0 The whole of the area within the corporate limits of the City of Hamilton is hereby designated as a Site Plan Control Area.
 - 3.0 No person shall undertake any development in the site plan control area unless Council of the City or persons to whom authority has been delegated has approved of the following:
 - 3.1 plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required as a condition of approval under Section 41 of the Planning Act:
 - 3.2 drawings showing plan, elevation and cross-section views for each residential building containing more than 2 dwelling units to be erected which are sufficient to display;
 - 3.2.1 the massing and conceptual design of the proposed building;
 - 3.2.2 the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - 3.2.3 the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

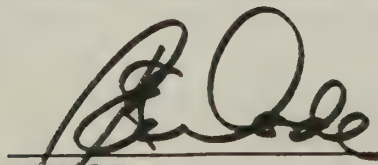
but which exclude the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in Clause 3.2.3; the colour, texture and type of materials, window details, construction details, architectural details, and interior design.

- 4.0 As a condition of approval of the plans and drawings referred to in Section 3.0, the City may require the owner to enter into an agreement or undertaking with the City imposing any conditions permitted by Section 41 of the Planning Act.
- 5.0 Notice of any agreement or undertaking entered into under clause 4.0 above may be registered against the land to which it applies and the municipality may enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.
- 6.0 Where the owner is required by this by-law or by any agreement or undertaking entered into pursuant hereto to do or ensure that any matter or thing be done and such person defaults in doing such matter or thing, the same may be done by the City and the expense of so doing may be recovered by action or in like manner as municipal taxes.
- 7.0 No building permit or permits shall be issued until the plans required by Section 3.0 of this by-law are filed by the owner with the City and approved by the City.
- 8.0 Subject to Section 9.0 below, the provisions of this by-law do not apply to:
 - 8.1 any single detached dwelling, duplex dwelling or semi-detached dwelling;
 - 8.2 any building accessory to the uses described in paragraph 8.1 above;
 - 8.3 any street townhouse building within a registered plan of subdivision for which the subdivision agreement is in full force and effect; and
 - 8.4 any agricultural building or structure.
- 9.0. Notwithstanding Section 8.0 above, the provisions of this by-law shall apply to the following:
 - 9.1 any single detached dwelling, duplex dwelling or semi-detached dwelling situated within or contiguous to Major Open Space Areas, Environmentally Significant Areas and Provincially Significant Areas as designated in the City's Official Plan;
 - 9.2 any single detached dwelling, duplex dwelling and semi-detached dwelling forming part of the zero lot line development shown on the map attached to and forming part of this by-law as Schedule "A";

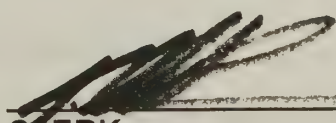
A By-law to Establish Site Plan Control in the City of Hamilton

- 9.3 any single detached dwelling, duplex dwelling and semi-detached dwelling situated to the east and west of Beach Boulevard as shown on the map attached to and forming part of this by-law as Schedule "B";
- 9.4 single detached dwellings, duplex dwellings and semi-detached dwellings forming part of a linked housing or similar innovative house grouping development as described in the City's Official Plan, any approved Neighbourhood Plan or any other planning policy document approved by the City. Any development proposing to locate multiple single, semi or duplex dwellings on a single parcel of land is hereby deemed to be an innovative house grouping development within the meaning of this clause 9.4, and,
- 9.5 commercial and agricultural greenhouses.
- 10.0 The Mayor and the Clerk, or delegate, as the case may be, are hereby authorized to execute any agreement or undertaking prepared pursuant to Section 4.0 of this by-law and signed by the owner or developer of the affected land, provided that Council or persons with delegated authority have approved the plans and drawings required to be submitted under Section 3.0 of this by-law.
- 11.0 The Corporation of the Town of Ancaster by-law 92-7 passed on the 13th day of January, 1992, as amended; The Corporation of the Township of Glanbrook by-law 311-85 passed on the 7th day of October, 1985; The Corporation of the Town of Dundas by-law 3803-89 passed on the 15th day of June, 1989, as amended; The Corporation of the Town of Flamborough by-law 86-95.S passed on the 15th day of September, 1995; The Corporation of the City of Stoney Creek by-law 3265-90 passed on the 23rd day of October, 1990, as amended; and The Corporation of the City of Hamilton by-law 79-275 passed on the 25th day of September, 1979, as amended, are all hereby repealed in their entirety.
- 12.0 This by-law shall come into force and take effect on the date all of the Official Plan amendments adopted by By-law 03-293 are finally approved.

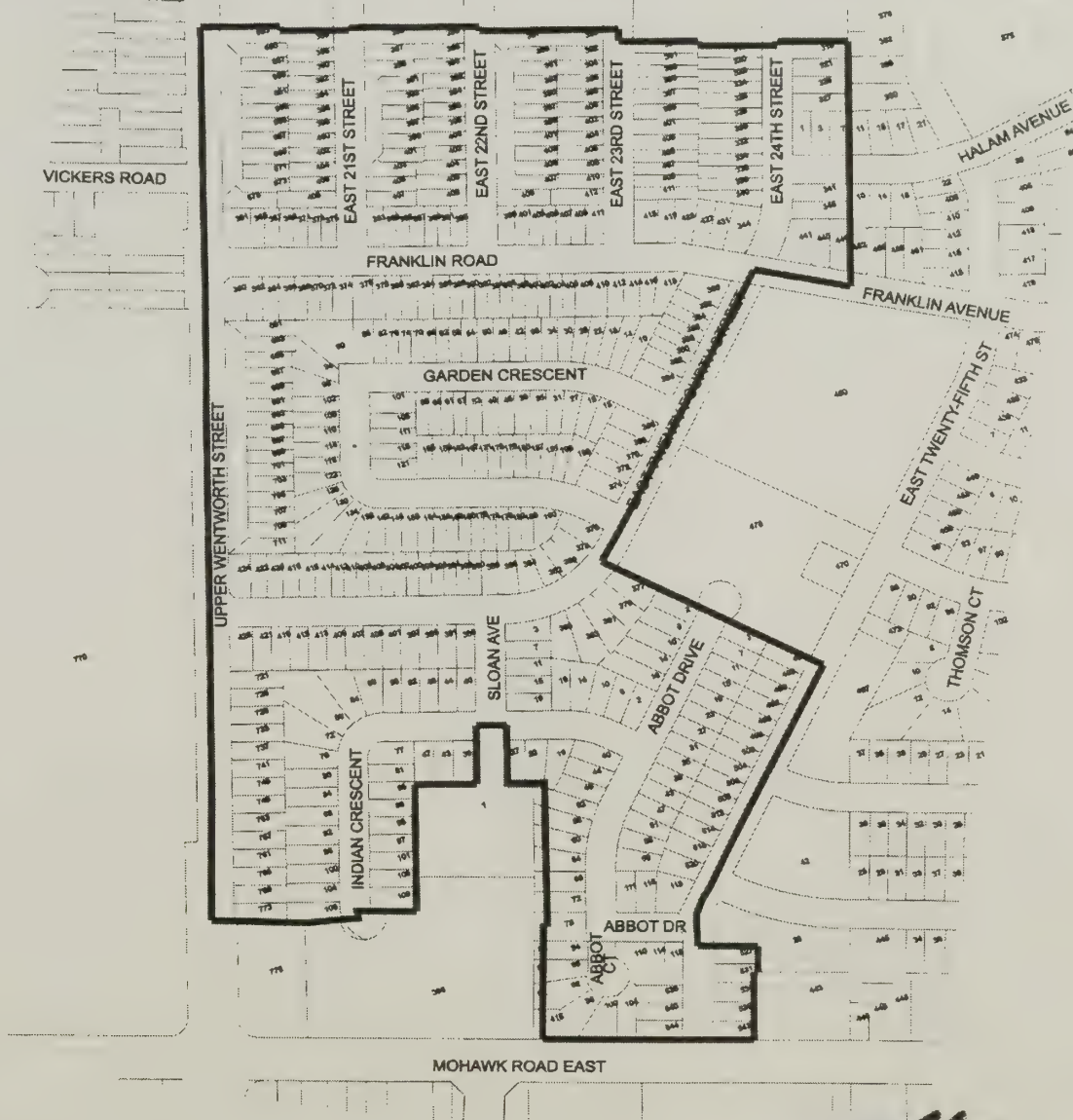
PASSED AND ENACTED this 15th day of October, 2003.



MAYOR



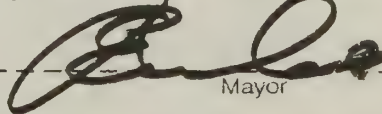
CLERK



This is Schedule "A" to By-Law No. 03—294

Passed the 15th day of October, 2003


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-294

Legend

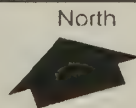


Subject Property
Lands to be regulated by
By-Law No. 03-294



Hamilton

Planning and Development Department



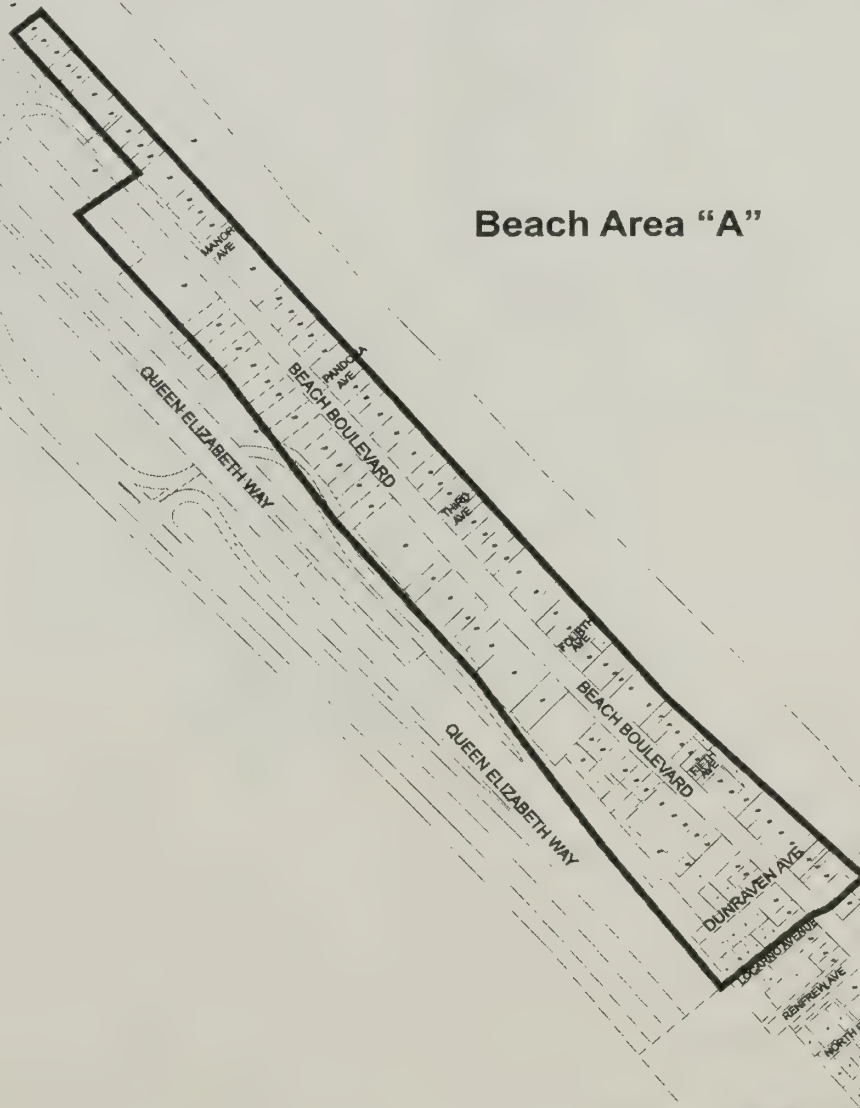
Scale
NOT TO SCALE

Date
September 10, 2003

Reference File No.
SITE PLAN PROCESS

Drawn By
LC

Beach Area "A"



This is Schedule "B" to By-Law No. 03— 294

Passed the 15th day of October, 2003

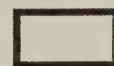
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Clerk

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Mayor

Schedule "B"

Map Forming Part of
By-Law No. 03-294

Legend

 **Subject Property**
Lands to be regulated by
By-Law No. 03-294



Hamilton

Planning and Development Department

North



Scale

NOT TO SCALE

Date

September 10, 2003

Reference File No.

SITE PLAN PROCESS

Drawn By

LC



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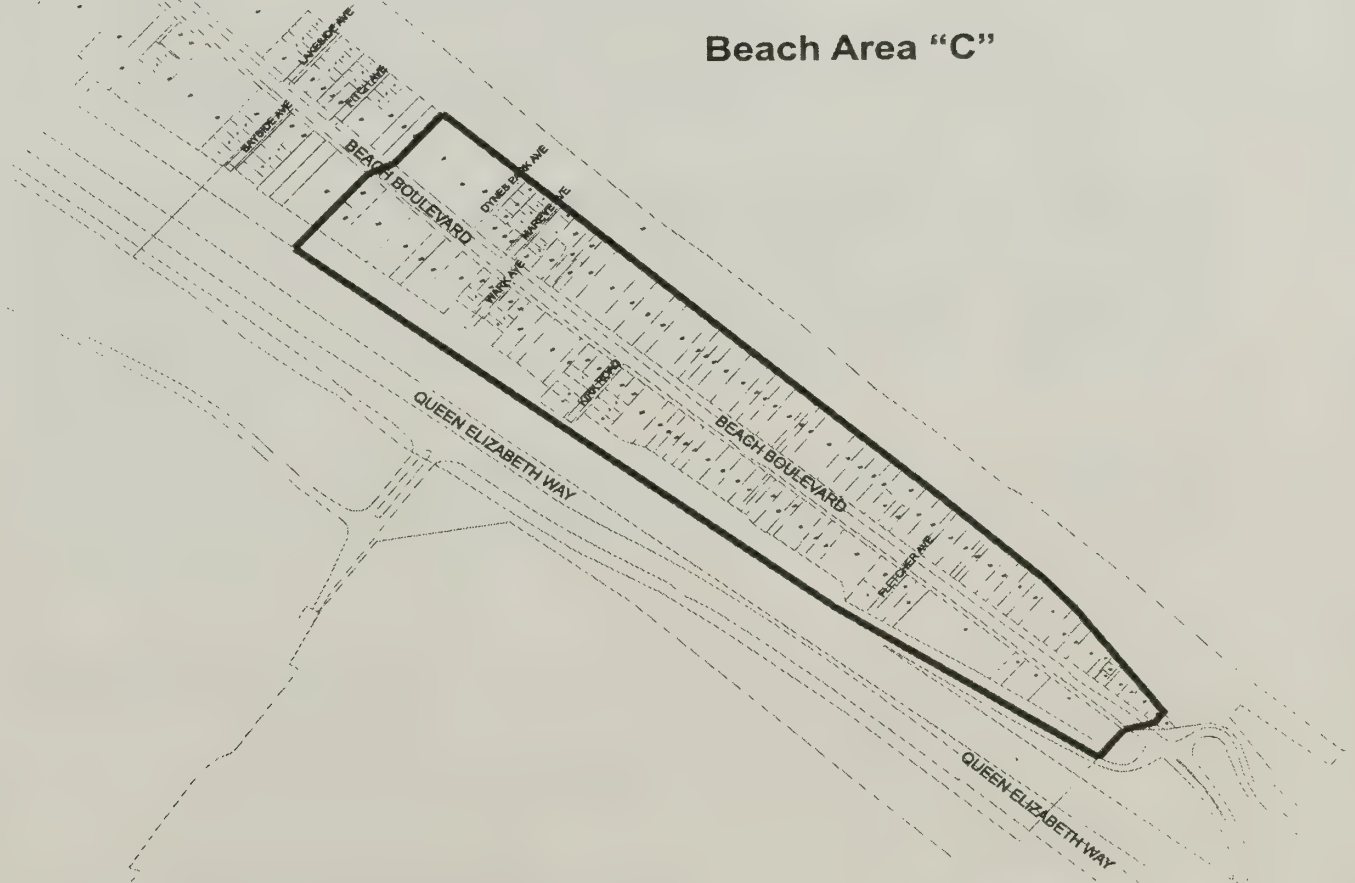
Clerk

[Signature]

Mayor

A By-law to Establish Site Plan Control in the City of Hamilton

Beach Area "C"



This is Schedule "B" to By-Law No. 03— 294

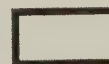
Passed the 15th day of October, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "B"

Map Forming Part of
By-Law No. 03-294

Legend

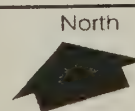


Subject Property
Lands to be regulated by
By-Law No. 03-294



Hamilton

Planning and Development Department



North

Scale
NOT TO SCALE

Date
September 10, 2003

Reference File No.
SITE PLAN PROCESS

Drawn By
LC

CAP HBL A08
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Authority: Item 1, Hearings Sub-Committee
Report 03-033 (PD03247)
CM: October 15, 2003

Bill No. 295

City of Hamilton

BY-LAW NO. 03-295

TO DELEGATE SITE PLAN APPROVAL AUTHORITY

WHEREAS clause 41(13) (b) of the *Planning Act*, permits a council to delegate by by-law its power or authority in respect of the approval of plans and drawings of development under subsection 41(4), and, conditions of approval, under subsections 41(4) and 41(7) of the said Act, to either a committee of council or to an appointed officer of the municipality identified in the by-law by name or position occupied;

AND WHEREAS the City of Hamilton has enacted a by-law under section 41 of the *Planning Act* to delegate authority to the General Manager, Community Planning and Development Department to approve site plans and drawings;

AND WHEREAS it is intended by the Council of the City of Hamilton:

- i. to repeal the previous by-law of the City of Hamilton that delegated authority for the approval of site plan applications and,
- ii. to authorize the delegation of such authority of the Council of the City of Hamilton as hereinafter provided.

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

1. The authority of the Council of the City of Hamilton under clause 41 of the *Planning Act* to approve site plans and drawings of development, including the authority of the Council to impose conditions of approval, is hereby delegated to the Manager, Development Planning, Planning and Development Department. Such authority delegated to the said Manager, Development Planning shall be carried out and implemented as provided for in section 41 of the *Planning Act*.
2. In the event the Manager, Development Planning is absent for any reason, the said authority of Council is delegated to the Director, Development and Real Estate and, in this event, all references to the Manager, Development

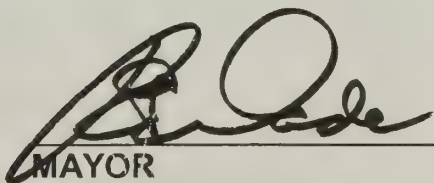
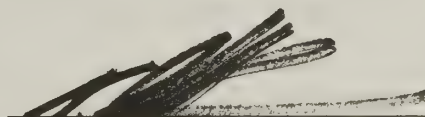
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A By-law to Delegate Site Plan Approval Authority

Planning in this by-law shall be deemed to be references to the said Director, Development and Real Estate. Where both the said Manager and the said Director are absent, the authority delegated pursuant to this By-law is hereby delegated to the person or persons designated in writing by the General Manager, Community Planning and Development Department to act as the said Manager or Director during their absence.

3. The Mayor and the City Clerk, or delegate, as the case may be, are hereby authorized and directed to execute any agreement or undertaking required of an Owner as a condition of site plan approval, in a form satisfactory to Corporate Counsel. Where required for purposes of electronic registration of such agreement, or electronic registration of notice of such agreement on title to the property under development, staff are also authorized and directed to signify in an electronic format, that such agreement or notice of such agreement was approved by the City as provided for in this by-law.
4. City of Hamilton By-law No. 01-022 is hereby repealed.
5. This By-law shall come into force and take effect on the 15th day of October, 2003.

PASSED AND ENACTED this 15th day of October, A.D. 2003


MAYOR
CITY CLERK

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Authority: Item 4, Committee of the Whole
Report 03-028 (PW03130/PD03226)
CM: October 15, 2003

Bill No. 296

CITY OF HAMILTON

By-law No. 03-296

**Being a By-law to provide for the removal of snow and ice from
roofs and sidewalks**

WHEREAS Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, SO. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality of the "City of Hamilton";

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council for the City of Hamilton deems it expedient to enact a single By-law to provide for the removal of snow and ice from roofs and sidewalks, in place of By-laws of the former area municipalities;

NOW THEREFORE, the Council for the City of Hamilton enacts as follows:

Definitions

1. In this By-law,
 - (a) "City" means the City of Hamilton;
 - (b) "Council" means the council for the City of Hamilton;
 - (c) "Consecutive winter storm events" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring within a 24 hour period of the cessation of the previous storm event;
 - (d) "Director" means the Director of the Operations and Maintenance Division of the Public Works Department for the City, and includes his designate and successor;
 - (e) "Highway" means a common and public highway under the jurisdiction of the City of Hamilton, and includes a street, sidewalk, boulevard whether paved or not paved, an unopened road allowance, and any portion of the land situated between street lines;

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- (f) "Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice.
- 2. In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender;
- 3. In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense

Application of By-law

- 4. The provisions of this By-law shall apply to all lands within the boundaries of the City, except for those areas designated as being exempt by the Director.

General Duties, Obligations, and Prohibitions

- 5. That every occupant or owner shall, within 24 hours of the cessation of a Winter Storm Event, or within 24 hours of the cessation of a series of Consecutive winter storm events, remove and clear all snow and ice from sidewalks abutting the highways in front of, or along side, or at the rear of any occupied or unoccupied lot, or vacant lot;
- 6. All owners or occupants of buildings where the roof or eaves of which abut or overhang the highway or sidewalk upon the highway shall, whenever ice or snow accumulates on the roof or eaves, remove the same immediately, and in a manner showing due care and precaution for the safety of persons passing.
- 7. No owner or occupant shall throw, place, bring, or deposit snow or ice:
 - (a) On or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant;
 - (b) On or adjacent to a travelled portion of the highway, or in such a manner so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians
 - (c) In such a manner so as to obstruct drainage to any drain or sewer
- 8. That if the owner or occupant fails, neglects, or refuses to comply with Sections 5, 6, and 7 of this By-law, the Director in lieu of, or in addition to any other remedy provided by this By-law, is authorized to have the snow or ice to be removed at the expense of the owner or occupant, and in the case of non-payment, such expenses may be recovered in a like manner as municipal taxes.

Enforcement

- 9. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to inform any person of the provisions of this By-law and to request compliance therewith;

10. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to order any person believed by such Officer or employee to be in contravention of this By-law to desist from the activity consisting or contributing to such contravention;

Penalty

11. Any person contravening any provision of this By-law is guilty of an offence and upon conviction, is liable to such penalty as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Severance

12. Should a court of competent jurisdiction declare any part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this By-law, and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with the terms to the extent possible under law.

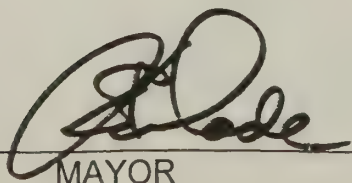
Short Title

13. The short title of this By-law shall be "The Snow Removal By-law".

Repeals and Enactment

14. That By-law 88-152-S (Flamborough), By-law 86-77 (Hamilton) Section 7, By-law 4114-93 (Dundas), By-law 434-90 (Glanbrook), By-law 4477-96 (Stoney Creek), and By-law R77-109 (Regional Roads By-law) be repealed.
15. Any references to By-laws 88-152-S, 86-77, 4114-93, 434-90, 4477-96, and R77-109, as amended, antedating the passing and enactment of this By-law shall be deemed a reference to this By-law.
16. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 15TH day of October, 2003.


MAYOR
CLERK

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Bill No. 297

THE CITY OF HAMILTON

BY-LAW NO. 03- 297

To Confirm the Proceedings of City Council at its meeting held on October 15, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

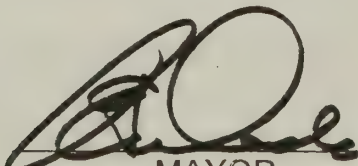
1. The Action of City Council at its meeting held on the 15th day of October, 2003 in respect of each recommendation contained in:

Report 03-027 of the Committee of the Whole,
Report 03-028 of the Committee of the Whole
Report 03-032 of the Hearings Sub-Committee,
Report 03-033 of the Hearings Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 15th day of October, 2003


MAYOR


CITY CLERK

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Authority:
CM: October 27, 2003

Bill No. 298

CITY OF HAMILTON

By-law No: 03-298

Being a By-law to amend By-law 03-255, being a By-law to provide for advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election

WHEREAS Section 45 (7) of the *Municipal Elections Act, 1996, as amended*, provides that a voting place shall be provided on the premises of an institution in which, on nomination day, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm, and a retirement home in which, on nomination day, 50 or more beds are occupied;

WHEREAS By-law 03-255, being a By-law to provide for advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election was enacted by City Council at its meeting held September 10, 2003;

WHEREAS an institutional poll will be held at St. Elizabeth Villa in accordance with Section 45 (7) of the *Municipal Elections Act, 1996, as amended*, and given the large number of residents at the Village, a second institutional poll be held at that location with extended hours;

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

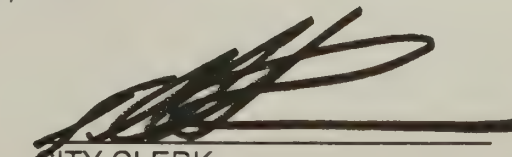
1. That Schedule "C" to By-law 03-255 to provide advance voting and reduced voting hours at retirement homes and institutions for the 2003 Municipal Election be amended to include the following Institutional Poll on Monday, November 10, 2003:

Location	Address	Hours of Voting
St. Elizabeth Village	391 Rymal Road West (Trillium Room)	10:00 a.m. to 7:00 p.m.

2. This By-law comes into force on the date of its enactment.

ENACTED and PASSED this 27th day of October, 2003.


MAYOR


CITY CLERK

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THE CITY OF HAMILTON

BY-LAW NO. 03-299

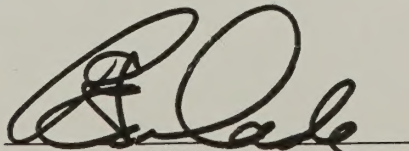
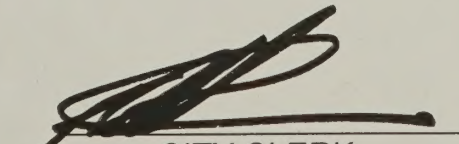
To Confirm the Proceedings of City Council at its special meeting held on October 27, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

1. The Action of City Council at its meeting held on the 27th day of October, 2003 in respect of each recommendation contained in the Committee of the Whole,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 27th day of October, 2003


MAYOR
CITY CLERK

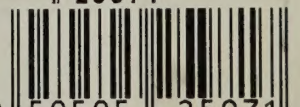


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